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DIPLOMATIC CORRESPONDENCE OF THE  
UNITED STATES

INTER-AMERICAN AFFAIRS

1831-1860



# DIPLOMATIC CORRESPONDENCE OF THE UNITED STATES

## INTER-AMERICAN AFFAIRS

1831-1860

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SELECTED AND ARRANGED BY

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Division of Latin American Affairs  
Department of State

Editor of DIPLOMATIC CORRESPONDENCE OF THE UNITED  
STATES CONCERNING THE INDEPENDENCE OF  
THE LATIN AMERICAN NATIONS,  
to which this is  
a sequel

VOLUME II  
BOLIVIA AND BRAZIL  
DOCUMENTS 388-722

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## PREFACE

All observations made in the general preface contained in the first volume of this publication, excepting its penultimate paragraph, apply equally to this volume. Besides stating that the present volume contains those communications to and from Bolivia and Brazil, which fall within the scope of the publication as delimited in the general preface, a few prefatory remarks appear necessary.

Diplomatic relations between the United States and Bolivia were not regularly opened until 1848, when the former established a legation at the capital of the latter. Among the communications from Bolivia there is indeed one document dated March 16, 1837; but that one, it will be observed, responded to the credential letter of a chargé d'affaires, accredited to Perú, who arrived there after the formation of the relatively ephemeral Perú-Bolivian Confederation, the chief executive of which was, theoretically at least, the President of Bolivia. No Bolivian legation was established in the United States during the period covered by the present publication. Because of this one-sided character of the diplomatic intercourse between the two countries, and which was carried on for only a little more than a third of the period to which the publication is devoted, and, perhaps chiefly, because of the relatively isolated location and limited commercial activity of Bolivia, which rendered frequent diplomatic exchanges at once less important and more difficult, the bulk of diplomatic correspondence between the United States and Bolivia, especially of documents properly falling within the scope of the collection, is not very great.

Between Brazil and the United States a larger volume of pertinent correspondence was handled. Each country maintained a legation at the capital of the other, practically continuously during the three decades. In other respects, too, international intercourse was more nearly normal than in the case of Bolivia. Furthermore, in the conception of the officials at Washington, Brazil was, then, the most important country in South America; and the U. S. minister, accredited to the government of that country, was expected to keep his eye on the other countries of the continent, especially those on or near its eastern coast, and to report any facts of importance, regarding them, which might come to his attention. Most of the various occupants of the post made many such reports. Occasionally, the head of this mission was associated with the head of the mission at Buenos Aires to assist in the conduct of supposedly important negotiations there, or in Uruguay, or Paraguay. The mission of the United States at Rio de Janeiro and the Brazilian mission in Washington were also the channels through which some of the few diplomatic communications from Paraguay, and the

still fewer from Uruguay, reached the United States, since no regular diplomatic relations with those countries existed during the period covered by this publication, although the special agents and commissions, sent to Paraguay, supplied enough pertinent correspondence to justify publishing it under the separate designations, communications to and communications from that country, as parts of a subsequent volume.

WILLIAM R. MANNING.

December, 1929.

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## NOTE

The idiosyncrasies of spelling, punctuation, capitalization and grammar of the original manuscript stand uncorrected in this print, except in case of manifest and inadvertent error, where the correction could in nowise affect the sense.

PART I  
COMMUNICATIONS TO BOLIVIA

*James Buchanan, Secretary of State of the United States, to John Appleton, United States Chargé d'Affaires at Sucre*<sup>1</sup>

No. 2

WASHINGTON, June 1, 1848.

SIR: The Republic of Bolivia to which you are accredited as charge d'affaires is the only one of the independent States of the American Continent which has never been visited either by a diplomatic or consular agent of the United States. The important duty is, therefore, confided to you of opening diplomatic relations with that Republic.

You may assure the Bolivian Government that this delay (in accrediting a minister to them) has not been occasioned by any want of the most friendly feelings on our part.

The early and decided stand which the people of the United States and their Government took in recognizing the independence of the Spanish American Republics is known to the world. Ever since that period, we have felt the most lively interest in their prosperity and the strongest desire to see them elevated, under free, stable and Republican Governments, to a high rank among the nations of the earth. We entertain a cordial sympathy for all the Republics on this continent and desire nothing more than that their course should be prosperous and onward, securing the blessings of liberty and order to their people. This delay has on the contrary arisen solely from the fact that the territories of the Bolivian Republic lie chiefly in the interior of South America and that for want of good ports on the Pacific our commercial intercourse with them has been of a very limited character. It is believed that Cobija [Cobija] is the only Bolivian port and this is but little frequented. It is understood that the Governments of Peru and Bolivia have been in Treaty for the cession of the Port of Arica from the former to the latter: and whilst this could not materially injure Peru it would be of essential advantage to Bolivia, as well as to the commerce of our country. Without attempting to interfere with the domestic concerns of either of these Re-

<sup>1</sup> Instructions, Bolivia, vol. 1.

John Appleton, of Maine, was commissioned chargé d'affaires to Bolivia, March 30, 1848. He left Bolivia, for the United States, on May 4, 1849, having previously requested his recall. From January 26, 1848 to March 30, 1848, he had served as chief clerk in the Department of State, from which position he retired to accept the appointment which took him to Bolivia. Following his service in Bolivia, Appleton was commissioned secretary of the United States legation in Great Britain, on February 19, 1855. He retired, November 16, 1855. He had been commissioned on May 20, 1853, but did not then accept. On October 27, 1855, he was commissioned chargé d'affaires *ad interim*. Appleton was commissioned Assistant Secretary of State by President Buchanan, April 4, 1857. He resigned to accept the position of envoy extraordinary and minister plenipotentiary to Russia, June 8, 1860. From this position he took leave on June 7, 1861. In the meantime, he served on a mixed claims commission in Washington which met from June 22, 1860 to August 30 of the same year. This commission met under the convention between the United States and Paraguay, of February 4, 1859, for adjusting the claims of the "United States and Paraguay Navigation Company." The decision was in favor of Paraguay.



publics, you might, should an opportunity offer, by your counsel and advice, promote this cession. Arica would seem naturally to belong to Bolivia; and of this that Republic cannot fail to be rendered more deeply sensible by the onerous transit duties which are now levied at Arica upon merchandise destined for consumption in Bolivia. The truth is that so long as Arica shall continue to be a Peruvian port it will be a perpetual cause of irritation between these Republics and will always endanger their friendly relations with each other.

The principal object of your mission is to cultivate the most friendly relations with Bolivia. The enemies of free Government throughout the world point with satisfaction to the perpetual revolutions and changes in the Spanish American Republics. They hence argue that man is not fit for self Government: and it is greatly to be deplored that the instability of these Republics and in many instances their disregard for private rights have afforded a pretext for such an unfounded assumption. Liberty cannot be preserved without order: and this can only spring from a sacred observance of law. So long as it shall be in the power of successive Military Chieftains to subvert the Governments of these Republics by the sword, their people cannot expect to enjoy the blessings of liberty. Anarchy, confusion and civil war must be the result. In your intercourse with the Bolivian authorities you will omit no opportunity of pressing these truths upon them, and of presenting to them the example of our own country where all controversies are decided at the ballot box. These truths you will endeavor to impress upon those whom you may meet in society, and you will avail yourself of all suitable opportunities, to strengthen, in a becoming manner, the opinions which must already exist in Bolivia, in favor of republican institutions.

You will bear in mind, also, the desire of your government for the mutual friendship and harmony of the South American Republics and will always encourage, when you can properly do so, every measure which may be fairly expected to tend towards such a result.

Instead of weakening themselves by domestic dissensions the Spanish race in these Republics have every motive for union and harmony. They nearly all have an enemy within their own bosoms burning for vengeance on account of the supposed wrongs of centuries, and ever ready, when a favorable opportunity may offer, to expel or exterminate the descendants of their conquerors. Already a war of races has arisen between the Indian and Spanish in Guatemala, and Yucatan, and the civil war now raging in Venezuela partakes largely of this character. In Bolivia it is understood that three fourths of the inhabitants belong to the Indian race. How unfortunate it is that, under these circumstances, the Spanish race there should be weakening themselves by warring with each other.

The nations on this Continent are placed in a peculiar position. Their interests and independence require that they should establish and maintain

an American system of policy for their protection and security entirely distinct from that which has so long prevailed in Europe. To tolerate any interference on the part of European Governments with controversies in America and to suffer them to establish new colonies of their own intermingled with our free Republics, would be to make, to the same extent, a voluntary sacrifice of our independence. These truths ought every where throughout the continent of America to be impressed on the public mind.

The direct trade between the United States and Bolivia is believed to be insignificant but the inhabitants of that Republic are known to consume products of the United States to a considerable amount which they receive indirectly. These, they would probably use more largely if they were not circuitously conveyed and if the mutual wants of the two countries shall be better understood. One of the purposes of your mission will be to accomplish these results. On the 30<sup>th</sup> November 1836, during the brief existence of the Government called the Peru-Bolivian Confederation, a Treaty between that Government and the United States was concluded. That Confederacy, as you are aware, was composed of the States of North and South Peru and of the Republic of Bolivia, and General Santa Cruz of that Republic was its Executive Chief. Since its dissolution and the choice of General Castilla as President of Peru, the Peruvian Government has expressed doubts as to the obligations of Peru under the treaty. You will herewith receive a copy of the correspondence <sup>1</sup> on this subject between this Department and Mr Osma, the late Minister from Peru at Washington. This correspondence was followed by an authority to him from his Government to conclude a new and separate Treaty with Peru. The President having empowered me for the same purpose, the Treaty was signed on the ninth of February last, and is now before the Senate. You will herewith receive a printed copy of it.<sup>2</sup> You will, also, have with you a copy of the Treaty <sup>3</sup> which was concluded between the United States and the Republic of Ecuador on the 13th of June 1839. Both these treaties contain important provisions which are not embraced in the Convention between this government and the Peru Bolivian Confederation, of November 1836, but which it would be desirable to embody in a new treaty with the Republic of Bolivia. You will take an early occasion, therefore, to ascertain the views of the Bolivian Government on this subject, and if you find them favorable, you may propose a new treaty on the general basis of the treaty with Ecuador, of 1839. If objections should be made to any of the stipulations of this treaty, which are not of material

<sup>1</sup> The correspondence referred to does not appear in Instructions, Bolivia, vol. 1. See below, volume and part containing Communications to Perú, under the date, April 22, 1847, and volume and part containing Communications from Perú, under the date, June 9, 1847.

<sup>2</sup> The copy referred to does not appear in the manuscript volume.

<sup>3</sup> The copy referred to does not appear in Instructions, Bolivia, vol. 1. For correspondence in connection with this treaty, see below, volume and part containing Communications from Ecuador.

importance, you will be at liberty to modify them, so as to meet the wishes of the Bolivian Government, in any way which in your judgment will be satisfactory to your own government.

Numerous individuals and some associations have applied to this Department for instructions to our diplomatic agent and Consuls in Peru to assist them in importing Alpaca sheep into the United States. Unofficial instructions to that effect have accordingly been given. The object may be said to be of national importance and its accomplishment by proper means will reflect credit upon any person who may contribute to that result. It is understood that the Government of Peru allows those animals to be exported reluctantly, if at all, and, indeed, has interposed legal or other impediments thereto. If, as is presumed to be the case, Alpacas also abound in Bolivia, it will be desirable to know whether or not the regulations of that Government in regard to their exportation are more liberal than those of its neighbor and whether this exportation can be advantageously made.

I am sir [etc.].

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*Daniel Webster, Secretary of State of the United States, to Horace H. Miller, United States Chargé d'Affaires at Sucre*<sup>1</sup>

No. 2

WASHINGTON, June 11, 1852.

SIR: As your predecessors in the mission to Bolivia did not remain there long enough to carry their instructions into effect, you will herewith receive a copy of those given to Mr. Appleton.<sup>2</sup> Mr. McClung<sup>3</sup> was directed to be governed by them in the transaction of the business of the mission and you, also, will consider them as addressed to yourself so far as they may be applicable to existing circumstances.

Some of the rivers which flow into the La Plata take their rise in Bolivia and may be navigable by steamboats within the territory of that Republic. Hopes are entertained that in consequence of the fall of Rosas a change may take place in the policy of the Argentine Republic and of the other states through which those rivers flow, by means of which vessels of foreign nations or the productions of those nations may be introduced with advantage into those vast regions. In any treaty which you may conclude with the Bolivian government you will bear this matter in mind and will be careful that the vessels and productions of the United States, whether proceeding to the ports

<sup>1</sup> Instructions, Bolivia, vol. 1.

Horace H. Miller, of Mississippi, was commissioned chargé d'affaires to Bolivia, February 10, 1852. He left in January, 1854.

<sup>2</sup> Copy does not appear. See above, this part, doc. 388.

<sup>3</sup> Alexander K. McClung, of Mississippi, was commissioned chargé d'affaires to Bolivia, May 29, 1849. He received his passports, at his own request, April 27, 1851. There were no separate instructions to him, pertinent to this publication.

of Bolivia on the Pacific or to the territory of that Republic by means of the rivers adverted to, shall be received upon terms at least as favorable as may be granted to any other nation.

I am, Sir, [etc.].

## 390

*William L. Marcy, Secretary of State of the United States, to John W. Dana, United States Chargé d'Affaires at Sucre*<sup>1</sup>

No. 2

WASHINGTON, November 1, 1853.

SIR: The post to which the President has appointed you is an important one as concerns the commercial interests of the United States. This government is anxious to cultivate the most intimate relations with Bolivia as it is with all the other South American Republics. Heretofore we have had, comparatively, no trade with her citizens. This is attributable to the want of a direct and speedy communication with that portion of her territory lying East of the Andes containing nineteen-twentieths of the whole. The Amazon would have afforded us all we desired for the transportation of our products to Bolivia but it has pleased the Emperor of Brazil to forbid the navigation of it to our vessels because it chances to pass through his realms. Various causes have influenced the United States to submit passively to the pretensions to the exclusive control exercised so illiberally by his Imperial Majesty over this mighty river. The ancient restrictive policy to which Brazil still obstinately adheres is in conflict with the spirit of the present enlightened age, which claim the free use of all the natural means of international communications, obviously designed by a wise Providence for the common benefit of all civilized nations. Bolivia has a more direct and comparatively a deeper interest in this question than those nations which desire a free commercial intercourse with her, but to them it is also a great and growing interest, and she ought vigorously to second the efforts they are making to induce Brazil to accede to their reasonable demands.

This government understands that the government of Bolivia is fully impressed, as it is quite natural it should be, with the importance of the free navigation of the Amazon, and we have but little doubt that you will find it prepared to engage cordially with us in accomplishing peaceably the object we design. To the attainment of this end you will judiciously direct your best exertions.

In order to put you more fully in possession of the views which your government entertains on this important subject, I herewith communicate a copy of my instructions to Mr. Trousdale, our new Minister to Brazil.<sup>2</sup>

<sup>1</sup> Instructions, Bolivia, vol. 1.

John W. Dana, of Maine, was commissioned chargé d'affaires to Bolivia on August 26, 1853. He was commissioned minister resident, June 29, 1854, and presented credentials as such on September 24, 1854. He took leave on March 10, 1859.

<sup>2</sup> See below, pt. III, doc. 483.

Your predecessor was authorized to conclude a Convention of Friendship, Commerce, and Navigation with the government of Bolivia.<sup>1</sup> The last despatch received from him was dated the 1<sup>st</sup> of July last,<sup>2</sup> at which time negotiations had not been commenced. As it is presumable that nothing definitive has yet been done in the matter, I herewith transmit an outline of such an one as the President would be willing to enter into, together with a full power for you to act in the premises.

I am, Sir, [etc.].

P. S.

The draft of the Treaty above referred to not being yet complete, it is deemed advisable not to detain this instruction on that account. But the draft and the necessary Power to treat will be prepared within a few days, and transmitted to you at your Legation.<sup>3</sup>

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*William L. Marcy, Secretary of State of the United States, to John W. Dana, United States Minister Resident in Bolivia*<sup>4</sup>

No. 8

WASHINGTON, October 18, 1854.

SIR: Herewith I transmit to you a projet of a declaration<sup>5</sup> in relation to neutral rights to be submitted to the Government of Bolivia for its approval and adoption. It affirms the principles that free ships make free goods, contraband excepted,—and, that, the property of neutrals not contraband, found on board of enemies' ships is not confiscable.

These two principles have been adopted by Great Britain and France as rules of conduct towards all neutrals in the present European war; and, it is presumed that neither nation will refuse to recognize them as rules of international law, and to conform to them in all time to come.

The Emperor of Russia has lately concluded a Convention with the United States embracing these principles as permanent and immutable,—and, to be scrupulously observed towards all powers which accede to the same.

It is the intention of the United States to propose to the principal powers to enter into treaty arrangements for the recognition of these principles.

Should the Government of Bolivia be disposed to meet these views of the President of the United States, this government will promptly enter into treaty stipulations with that of Bolivia upon the subject.

I am, Sir, [etc.].

<sup>1</sup> See above, this part, doc. 389.

<sup>2</sup> The despatch referred to is not included, as its contents do not relate to the material in this publication.

<sup>3</sup> The draft was forwarded, on May 2, 1854, by a brief covering instruction, No. 5, not included in this publication.

<sup>4</sup> Instructions, Bolivia, vol. 1.

<sup>5</sup> This projet does not appear with the file copy of this instruction.

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*Lewis Cass, Secretary of State of the United States, to John W. Dana, United States Minister Resident in Bolivia*<sup>1</sup>

No. 12

WASHINGTON, July 1, 1857.

SIR: Your despatches to N<sup>o</sup> 42,<sup>2</sup> inclusive, have been received; and I have to express to you the gratification experienced by the Department in the perusal of the very interesting and instructive communications from you, of the more recent dates, in relation to the navigable waters of Bolivia.

In order to place you in possession of the views of the Navy Department in respect to the probable exploration of the rivers of that Republic by an expedition similar to that conducted by Commander Thomas Jefferson Page, in the waters of the Argentine Confederation and Paraguay, your despatches numbered 37,<sup>3</sup> 38 and 40<sup>4</sup> have been submitted to the Secretary of the Navy with the request that he would communicate to this office such information respecting the subject therein discussed as might with propriety be transmitted to you for the purpose of being laid before the Bolivian Government. Herewith you will receive a copy of his reply, dated 24th. ultimo,<sup>5</sup> which will, it is hoped, afford convincing proofs to the Government of Bolivia of the friendly interest felt by the United States in promoting those enterprises which have for their object the development of the internal resources of that country and the consequent increase of those ties of friendship and mutual dependence which will result from an extension of the commercial intercourse between the two Republics.

I am, Sir [etc.].

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*Lewis Cass, Secretary of State of the United States, to John W. Dana, United States Minister Resident in Bolivia*<sup>6</sup>

No. 18

WASHINGTON, August 19, 1858.

SIR: In compliance with the suggestion contained in your N<sup>o</sup> 71 of the 13th. June, last,<sup>7</sup> you are authorized to invite the Government of Bolivia to give in its formal accession to the treaty of 10 July 1853, between the United States and the Argentine Confederation in accordance with the seventh article thereof.

A full Power for the purpose of such a negotiation is herewith transmitted to you.

<sup>1</sup> Instructions, Bolivia, vol. 1.

<sup>2</sup> Dana's No. 42, of May 14, 1857, is not included in this publication.

<sup>3</sup> See below, pt. II, doc. 422.

<sup>4</sup> Dana's Nos. 38 and 40, of April 4, 1857 and April 14, 1857, respectively, were not copied for this publication.

<sup>5</sup> This document does not appear with the file copy of this instruction. The review of its contents, above, is adequate for this publication.

<sup>6</sup> Instructions, Bolivia, vol. 1.

<sup>7</sup> See below, pt. II, doc. 443.

I transmit also, as possibly useful, a translation of a declaration of accession of Bremen to a Convention between Prussia and the United States<sup>1</sup> which contains a similar provision for the accession of other States. The adoption of this form is of course optional with the Bolivian Government.

It is understood that your successor intends leaving for his post towards the first of October. With this intimation you may be enabled by early negotiation to conclude the business hereby committed to you before his arrival.

I am, Sir, [etc.].

## 394

*Lewis Cass, Secretary of State of the United States, to Colonel Juan Oндarza, Commissioner from Bolivia*<sup>2</sup>

WASHINGTON, May 5, 1859.

SIR: I have the honor to acknowledge the receipt of your communication of the 29th. ultimo,<sup>3</sup> soliciting in behalf of the Republic of Bolivia, and as its Commissioner, a loan from the Government of the United States of one to three millions of dollars, upon proper and sufficient guarantees, which loan is intended for the developement of the navigation and fluvial resources of the Bolivian Republic.

While it is the source of sincere gratification to the President that the Government of Bolivia entertains the sympathy for the Government and People of the United States which you have expressed, and on account of which you are instructed to address your proposals in the first instance to this Government, it is, I assure you, with much regret, he is prevented, on constitutional grounds from acceding to your proposition. No money can be advanced from the treasury of the United States, except in pursuance of legal appropriations.

In communicating to you this reply I take occasion to express the lively sympathy and friendship which the United States entertain for the Republic of Bolivia, and their ardent hope that recent events involving free access to and the navigation of her eastern rivers may contribute largely, not only to the happiness and prosperity of Bolivia, but also to an increased and reciprocally advantageous commerce between the two countries.

I am, Sir, [etc.].

<sup>1</sup> This document does not appear with the file copy of this instruction.

<sup>2</sup> Notes to Bolivia and Ecuador, vol. 1.

<sup>3</sup> Not copied. The contents of Oндarza's note are sufficiently indicated in this acknowledgement.

PART II

COMMUNICATIONS FROM BOLIVIA



*José M. Loza, Secretary General to the President of the Perú-Bolivian Confederation, to John Forsyth, Secretary of State of the United States*<sup>1</sup>

[TRANSLATION]

LA PAZ, March 16, 1837.

MR. SECRETARY: The undersigned, Secretary General of His Excellency the President of Bolivia, Supreme Protector of the States of South and North Peru, entrusted with the direction of the Foreign Relations of the three States which compose the Peru-Bolivian Confederation, has had the honor to receive the polite communication of the Minister of Foreign Affairs of the Republic of the United States dated at Washington on the 31st of July,<sup>2</sup> in which he is pleased to state that the President of the said Republic had thought proper to appoint James B. Thornton its Chargé d'Affaires near the Government of the Republic of Peru, furnishing him at the same time with the credentials necessary for the exercise of the functions of the station and adding the expression of the sincere interest which the Republic of the United States takes in that of Peru and its ardent desire to cultivate its friendship and to deserve it by all the good offices that might be in its power.

The Secretary of State must now be aware of the alterations which the former Republic of Peru has undergone; it being at present divided, with the unanimous consent of the people of which it was composed and by the solemn vote of their legislative assemblies, into two States which constitute a single nation confederated with the Republic of Bolivia. In consequence of this change, the President of Bolivia, charged with the Executive Power of the States into which Peru has been divided, with the title of Supreme Protector of both, having appointed the Regencies which in his absence are to exercise the administrative functions, has reserved to himself the direction of the Foreign Relations of the three States, which recognize him as Chief, and being at present absent from Peru, he has ordered the President of the Council of Government at Lima in which Capital Mr. Thornton has presented himself, to receive him in the character with which he is invested, and to issue a decree of the same date, recognizing that gentleman as Chargé d'Affaires of the United States of America near the States that constitute the Peru-Bolivian Confederation and guaranteeing to him the prerogatives that belong to that character.

His Excellency has at the same time directed the undersigned to express to the President of the United States through the Minister to whom he addresses himself, his gratification for the lively interest which he takes in the fortunes of this country whose sound and friendly relations with the illustri-

<sup>1</sup> Other States, vol. I.

<sup>2</sup> The communication referred to has not been copied; its contents are indicated in this acknowledgment.

ous North American people has induced and will continue to induce His Excellency to improve them with all possible diligence, of which the Treaty recently concluded between the two Governments at the instance of the accredited Agent of the United States, is a proof. His Excellency has desired to pay a sacred debt by acknowledging in an authentic manner to the Government of the United States, that Mr. Samuel Larned, its last Chargé d'Affaires near the Government of Peru, has discharged with the most laudable ability the functions with which he was invested and has carried with him in his retirement to his native country the most solid esteem and the sincerest affection of the Government and inhabitants of the Confederation.

The Undersigned hopes that the Minister to whom he addresses himself will have the kindness to lay before his Excellency the President of the United States this testimonial of the friendship and inspired gratitude which Mr. Larned has succeeded in gaining for himself by the discharge of his duties.

The Undersigned has the honor [etc.].

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*John Appleton, United States Chargé d'Affaires at Sucre, to James Buchanan, Secretary of State of the United States*<sup>1</sup>

No. 3

SUCRE, December 13, 1848.

SIR: I have now been more than two months in Bolivia, without being able to find any Government with whom it was possible to transact business, or to whom I could properly present myself as a Minister of the United States.

Since the sixth of October last, the Republic has been in a state of complete anarchy, its Congress dispersed, its capital deserted by every national officer, its business wholly suspended, the lives and property of its citizens without any adequate protection, and all its resources exhausted in the support of two opposing armies, whose respective leaders were contending for preeminence.—This condition of things, it is reasonable to hope, has now nearly reached its end. When I last had the honor to address the Department,<sup>2</sup> General Velasco, with his army, was in Puna, near Potosi, and General Belzu was advancing from Oruro, to give him battle. Upon arriving, however, at Puna, General Belzu found that his enemy had retreated; and it was not until he had sought him for nearly a month, over the terrible roads of this country, that he was enabled to bring him to a contest.—The battle at last took place on the 6th instant near the village of "Yamparaez", about six leagues from this city and resulted in the complete triumph of General Belzu who, on the following day, entered Chuquisaca with his victorious army.—I enclose an

<sup>1</sup> Despatches, Bolivia, vol. 1.

<sup>2</sup> The despatch referred to, Appleton's No. 2 of November 13, 1848, has not been copied; it is chiefly an account of military operations.

official account of the battle,<sup>1</sup> from which it will be seen that the loss of both armies in killed was sixty-five, and that the entire number of wounded was little more than a hundred.—It remains now only to hear from Cochabamba, where a small force of Government troops has recently taken possession of the town, and where General Belzu, before the late battle had, also, sent an opposing force of about one thousand men, under command of General (late Colonel) Lanza, for the purpose of dislodging the troops of the Government. The result of this movement we may expect to know about in a few days. Meanwhile, General Belzu remains with his army in this city, having assumed the title, and exercising the functions of President of the Republic.

It is probable, therefore, that Bolivia is to receive in him another revolutionary President. She has never changed a President by election. General Sucre became President by the revolution against Spain. He was driven out from office in 1828, and General Blanco became President for a few days, when he was assassinated to be succeeded by General Santa Cruz. A revolution in 1839 expelled Santa Cruz and elevated General Velasco to the Chair of State, and a new revolution in 1841, demanded the return of Santa Cruz. That General being unable, however, to enter the country, General Ballivian was proclaimed President by the Army, and maintained himself at the head of Affairs until December 1847, when General Velasco again became Chief Magistrate of the Republic. After only a year's continuance in office he has been expelled again by the recent revolution, which has probably created General Belzu his successor.

How long General Belzu will continue at the head of affairs in Bolivia, it is impossible to anticipate. He is the President of the army, and owes his elevation entirely to the military portion of the community. Out of the army he has no very considerable party, although almost every district of the Republic has pronounced in his favor, against the Government of Velasco.—There is a strong party, however, in the country in favor of General Ballivian and there are very many who predict already his early return to Bolivia. He is universally regarded as a man of good common sense, and great energy in the management of affairs; and during the late weak administration of Velasco and the anarchy which has followed its dissolution, there are some even among those who aided in his overthrow, who regret the absence from the country of his energetic and sometimes tyrannical government.—It is not yet time, however, to speculate upon the probable duration of General Belzu's administration.

I shall take the earliest opportunity in my power of transacting business with the Government, and in the mean time shall not be idle in complying with your instructions to collect such statistical information as I can, concerning the affairs of Bolivia.

I have the honor [etc.].

<sup>1</sup> This is a printed circular, three pages long, not copied.

*John Appleton, ex-Chargé d'Affaires of the United States at Sucre, to John M. Clayton, Secretary of State of the United States*<sup>1</sup>

[EXTRACTS]

GEORGETOWN, D. C. June 28, 1849.

SIR: I have the honor to inform you of my arrival in the United States. I left Bolivia on the 4th. of May last, and reached this city yesterday afternoon.

On the 9th of March last the revolution which had been for several months expected in Bolivia, was commenced in Oruro. . . .

During the progress of this revolution, foreseeing that it was not likely soon to terminate I took the occasion to visit Cobija on the coast, where I proposed to await the progress of events, taking a trip, perhaps, in the mean time to Valparaiso. I enclose a copy of the letter which, in conformity with this intention, I addressed to the Government from Potosi.<sup>2</sup> The news, however, which I received in Cobija, was so much more unfavorable to a return of tranquility than I had expected, that I thught [*sic*] it proper to return without farther delay to the United States. I supposed it probable that I should meet my successor in office, on my way home, and was quite certain, at all events, that my presence in Bolivia would be wholly useless, for a considerable period of time. I therefore took leave of the Government in a letter of which I enclose a copy,<sup>3</sup> and on the 4th of May commenced my journey to the United States. I venture to believe that my course, under these circumstances, will meet the approval of the Department.

The books and papers of the legation, securely packed and sealed, were placed in Charge of Mr. Richard Hellman, of Chuquisaca, at the time I left that place for Cobija. They are still in his possession, as safe probably as any property can be in so distracted a country as Bolivia. Mr Hellman is the managing partner of the English house of H. Bolton & Co. who do an extensive business in Peru and Bolivia.

I ought to add that several of my official communications to the Department, some of them embodying statistical information which it was not easy to collect, have not yet reached their destination, owing, doubtless, to the disarrangement of the mails in Bolivia. I shall forward copies of them to the Department in a few days.

I have the honor [etc.].

<sup>1</sup> Despatches, Bolivia, vol. I.

<sup>2</sup> The letter, dated April 4, 1849, was not copied; its contents are indicated here.

<sup>3</sup> This letter, dated May 2, 1849, was not copied.

*Alexander K. McClung, United States Chargé d'Affaires at Chuquisaca, to  
John M. Clayton, Secretary of State of the United States*<sup>1</sup>

[EXTRACTS]

No. 4

CHUQUISACA, August 24, 1850.

SIR: I have the honor to acknowledge [*sic*] the receipt of your despatch No 2 enclosing a new commission to me as chage d'affairs [*sic*] of the United States.

The political condition of this country presents more promise of stability at this time than for many years previous, and there is now some prospect of the establishment and continuance of a free and a regular Government.

By a decree of President Belzu of the 1<sup>st</sup> of the present month the extraordinary powers (Facultades Extrordinarios) which he had assumed and exercised for more than two years have been resigned, a constitutional congress assembled upon the 6<sup>th</sup> of the month, and he was constitutionally elected to the Presidency, and now for the first time in ten years there is a Government which holds its powers by some other title than that of force.

The Government of Gen Belzu has maintained itself for more than two years, but untill the 6<sup>th</sup> of the present month it had no constitutional title to authority. It may be appropriate to give you a very brief recital of the various revolutions which have occurred in this country since the overthrow of the last legitimate Government.

The last political authority which had been established peaceably and constitutionally in the country was the Government of General Santa Cruz under the Peru Bolivian Confederacy.

Gen Santa Cruz seems to have been a Statesman, and to have been bent upon the wise purpose of uniting as many as possible of the South American Republics under one confederated Government; or at least Peru and Bolivia. His Policy however met with fierce and strenous opposition not only in Peru and Bolivia but also in Chili, where there existed an entire hostility not only to a farther extension of the confederacy but also to its continuance as it then existed. The Peru Bolivian malcontents, and an invading army from Chili proved too strong for Santa Cruz and he was completely defeated and the Confederacy overthrown at the battle of Yungai [Yungay?]. By treaty with Chili General Santa Cruz was banished from Bolivia. Upon the desolution [*sic*] of the Confederacy Bolivia was left without a Government, and General Velasco was proclaimed President by portions of the poeple [*sic*] and troops without any regular election. Gen Ballivian had himself proclaimed also, but after a short struggle he was driven out of the country Velasco's Government continued a few months only, disturbed by continued insurrections and was finally overthrown by Gen Ballivian. Ballivian upon his first failure to

<sup>1</sup> Despatches, Bolivia, vol. 1.

overthrow the Government of Velasco had retired to Peru, whence in less than a year he returned not precisely accompanied by, but in communication with and supported by a Peruvian army. The plans and purposes attributed to this invasion on the part of the Peruvians, it would carry me beyond the purpose of this despatch to narrate. I only desire to detail enough to render the present condition of the country intelligible. Ballivian returned to Bolivia supported by this Peruvian army and the Government of the Velasco fell without firing a gun! Ballivian was proclaimed president in the same irregular manner with his predecessor and immediately issued a proclamation breathing the fiercest hostility to this same Peruvian army and to its government. He assembled an army and attacked and defeated the Peruvians at Ingavi with prodigious loss taking no less than four thousand Prisoners besides killing and wounding a large number. This Event occurred in November 1841.

This victory made him very strong and he governed for more than six years with an iron hand. His government however was disturbed by frequent insurrections more or less imposing in appearance the most formidable of which was headed by the present President Belzu in 1844; . . .

But even should the government become stable there is probably no country in the world of similar extent, which in a commercial point of view is so entirely unimportant either to the United [*sic*] or to other nations. Although France England Brazil and Peru each maintain a Charge d'affairs here, the commercial connection with the country of all of them united is entirely inconsiderable. The narrow belt of Bolivian territory lying between the Pacific and the first range of the Andes is entirely arid and barren and the mountains are totally impassible to any species of wheel carriage whatsoever . . .

It appears strange at the first glance, that while Bolivia possesses an immense territory known to be exceedingly fertile, appropriate to the culture of sugar and coffee, and watered by branches supposed to be navigable of so great a river as the Amazon, it appears strange, that this immense territory should be tenanted only by herds of wild cattle or still wilder Indians, while all the civilised population is concentrated in a few cities in this wild sterile and dismal range of mountains; but the apparent singularity is at once explained when it is remembered how settlements were first made in the country. It was first invaded from the west by Gold hunters, and as mines were found throughout the mountains and *only* in the mountains, it was there of course that the mining settlements were formed. The business of mining and other walks of industry necessary and kindred to it, soon formed cities at the principal points, and the population worked its way into the arable land to the East and engaged in agriculture, only sufficiently to supply the consumption at the mines. And now since the rich silver mines which formerly abounded in the metal are in a great measure exhausted, the popula-

tion of the cities although much reduced in number still retain their location and with the gleaning of the mines and the establishment of the new trade in cascarilla and coca, live like their predecessors without thought of changing or improving their condition.

The communication with the United States is monthly. By each Steamer I will transmit to you a despatch containing such information concerning this country as I may be able to gather. I find no cypher in the archives of the legation and shall be compelled to write more plainly about the affairs of the Country than the insecurity of the mail would render entirely desirable.

I have the honor [etc.].

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*Horace H. Miller, United States Chargé d'Affaires at La Paz, to Edward Everett, Secretary of State of the United States*<sup>1</sup>

[EXTRACT]

No. 1

LA PAZ, December 25, 1852.

SIR: . . . In pursuance of my instructions I will, at an early day, propose to the Government of Bolivia, the execution of a Treaty of Peace and Commerce between the respective countries; and am quite confident the proposition will be gladly accepted. I find that both the Government and the people of Bolivia, have their attention anxiously directed to the navigation of the River "Amazon" and its affluents, several of which take their rise in the territory of this Republic. I am assured by persons who are said to have explored them carefully, being specially commissioned by the Government for that purpose, that at least two of the tributaries of that river are navigable for vessels of a considerable size, far within the frontier of Bolivia. The impression prevails here that enterprising Capitalists from the United States, are anxious to embark in the project of opening the navigation, and all intelligent Bolivians are looking anxiously to that quarter for the means of securing the consummation of a scheme, which is of vital importance to the prosperity and advancement of the country. I have occupied myself since my arrival gathering information upon the subject, for the acquisition of which every facility has been afforded me, and in a short time will submit the result to the Department, in a despatch I will have the honor of transmitting, devoted particularly to that subject.<sup>2</sup> . . .

I have the honor [etc.].

<sup>1</sup> Despatches, Boliva, vol. 1. The omitted portions of this despatch are devoted to descriptions of scenery and to routine.

<sup>2</sup> This may refer to Miller's No. 2, of January 29, 1853, for which see below, this part, doc. 400.

*Horace H. Miller, United States Chargé d'Affaires at La Paz, to Edward Everett, Secretary of State of the United States*<sup>1</sup>

No. 2

LA PAZ, January 29, 1853.

SIR: I have the honor to call the attention of the Department to a Decree published today, by the Government of Bolivia, declaring the free navigation of all the affluents of the Rivers "Amazon" and "La Plata", within the territorial limits of this Republic; and offering a bonus of Ten Thousand dollars, and a grant of land of from one to twelve leagues in extent, to the first person navigating any of those waters into Bolivian territory, with vessels propelled by steam. The decree appears in "La Epoca", the Government paper, a marked copy of which is herewith transmitted the Department.<sup>2</sup> It will be observed, that numerous towns upon the rivers flowing into those two great streams, are declared by the decree, free ports of entry. I hoped to have received an official copy of the decree in time to forward it by the mail which left here yesterday, to connect with the British mail steamer at Arica; but the publication was delayed until this day. I have just received notice that a Government express will be immediately despatched to convey communications to Arica, for the Steamer, and the Minister of Foreign Affairs has very politely proposed to forward this despatch by that conveyance. Time will not permit me to furnish a translation of the Decree, as the courier is on the point of leaving.

It is unnecessary for me to point out the vast importance of this decree, as a means of forwarding the great scheme of opening the navigation of the Amazon and La Plata. The attention of the commercial world is now directed to that new and vast field for the extension of commerce, which the opening of the navigation of those mighty rivers would unfold; and the liberal policy which is now being pursued by this Government, evinces a disposition to afford every facility in their power, for its consummation. I have not yet learned the character of the report of L<sup>t</sup>. Gibbon, who was despatched by the Government last year to examine the Amazon and its tributaries, and report upon the practicability of navigating them, but have every assurance, from information derived from persons in this country who are familiar with those streams, that his report is favorable to the enterprise. If my surmise be correct, the recent decree of this Government becomes of great importance. The Government of Brazil is understood to be utterly hostile to the scheme, and is interposing every possible obstacle to its accomplishment. The principal affluents of the Amazon penetrate into Bolivian territory, and this Government asserts the right to navigate them to the sea, without obstruction from any Nation through whose territories they may flow. It is con-

<sup>1</sup> Despatches, Bolivia, vol. 1.

<sup>2</sup> This printed decree appears in the manuscript volume, but was not copied. It occupies four columns.



tended, that this view is sustained by the Law of Nations, enforced by numerous cases in point; and reference is particularly made to the doctrine asserted by President Monroe, in the case of the claim of the United States, to the unobstructed navigation of the Mississippi River to the Gulf of Mexico, Spain possessing the present State of Louisiana, and the mouth of the River.

The three principal tributaries of the Amazon, in Bolivia, are the Rivers "Béni [Beni]"—"Mamoré [Mamore]," and "Yténes [Yteñez?] or Guaporé [Guapore]," each of which is confidently asserted to be navigable for vessels of a large class. Each of these streams has numerous tributaries; many of which, it is believed, could easily be rendered navigable. The three large streams unite and form the Madera [Madeira?], which empties into the Amazon. They penetrate into the most fertile parts of South America; into vast districts of country, in which if they possessed the facilities of steam navigation on these rivers, would be of incalculable benefit to this country, and the entire commercial World. The "Pilcomayo" which empties into the river "Paraguay", and from thence into the "La Plata", has its source in Bolivia, and has already been navigated by a large schooner nearly to the Bolivian frontier. The limited time allowed for the preparation of this despatch will not permit me to discuss the subject as fully as its importance demands, but my next communication will place the Department in possession of all the information I have been able to obtain, relating to it.

In pursuance of my instructions, I have proposed to the Government of Bolivia, the execution of a Commercial Treaty between the respective countries, and have received notice that the proposal will be accepted. So soon as a Commissioner on behalf of Bolivia, is selected, and clothed with the proper powers, the negotiation will be commenced; and will be concluded, I trust, so as to meet the sanction of my Government. If, in view of the probable navigation of the rivers of Bolivia, the Department should desire any particular privileges or rights, secured to our Citizens, who may engage in the navigation or trade with Bolivia, I shall be glad to receive instructions with reference to them. The President of Bolivia uniformly expresses great admiration and esteem for the character of the Citizens of the United States, and has stated, that if they desired it, they should have the preference over all nations in the navigation of the rivers of the Republic, and the commerce resulting from it. The Government, and all intelligent persons in Bolivia, look to the Citizens of the United States to accomplish that great project. It is a question of the vital importance to Bolivia, for in her present condition she is almost completely deprived of commercial intercourse with foreign nations, for the want of an available sea port. Nine tenths of the imports of the country, enter through the sea ports of Peru, and reach Bolivia after paying heavy duties to that Government. This grievance—as it is here esteemed—has heretofore produced War between the two Republics and will again, unless Bolivia shall free herself from the present state of vassalage, by

opening communication with the Atlantic Ocean, through the vast rivers which flow from her borders. The subject is one of deep interest here, and seems to have absorbed all the other exciting topics which usually agitate the public mind.

I have the honor to acknowledge the receipt of a Circular despatch,<sup>1</sup> announcing the appointment of the Honorable Edward Everett, as Secretary of State; and also of despatch N<sup>o</sup> 3.<sup>2</sup>—the suggestions contained in which, will be complied with in future, I having only delayed numbering my despatches until my arrival at the Legation.

I have the honor [etc.].

## 401

*Rafael Bustillo, Minister of Foreign Affairs of Bolivia to Edward Everett,  
Secretary of State of the United States*<sup>3</sup>

[TRANSLATION]

LA PAZ, February 20, 1853.

SIR: I have the honor of enclosing to Your Excellency a legalized copy of the decree issued by the government of the Republic,<sup>4</sup> opening the rivers of Bolivia to the commerce and navigation of all nations, and establishing free ports thereon. There is also added a copy of the circular which has been addressed to the Prefects of the Republic,<sup>5</sup> setting forth the spirit and the views that have prevailed in the adoption of the aforesaid decree. Your Excellency will be pleased to Communicate the same to your government.

At a period like this, when the United States of North America, and all the civilized nations of the world, are struggling in behalf of material interests, by which it is understood that their commerce and union with the powers of Europe, are necessary to their aggrandizement and greater improvement, this decree, in consideration of the noble ends to which it aims, cannot but prove acceptable to the enlightened cabinet of the American Union, as well as to Your Excellency.

With this object, I take pleasure [etc.].

<sup>1</sup> This despatch does not appear in Instructions, Bolivia, vol. 1, but its content is indicated here.

<sup>2</sup> This is a brief note from Secretary Everett, dated November 19, 1852, not included in this publication.

<sup>3</sup> Other States, vol. 1.

<sup>4</sup> Not copied.

<sup>5</sup> Not copied.

## 402

*John W. Dana, United States Chargé d'Affaires at La Paz, to William L. Marcy, Secretary of State of the United States*<sup>1</sup>

[EXTRACTS]

No. 5

LA PAZ, February 20, 1854.

SIR: A gentleman leaves here, in a few days, for Tacna in Peru, by an indirect route, passing on his way, through distant portions of Bolivia, and probably, not reaching Peru, within six or eight weeks. But as opportunities, for communicating with the coast, are so rare, I take advantage, of this indirect mode, of reporting myself to my Government.

I find that my arrival here, was very opportune—at a crisis in the question of the navigation of the tributaries of the Amazon, and the La Plata. The entire prevention of imports and exports, through the accustomed channels has excited general consideration, and discussion of the subject of opening new ones. Some propose, that the Government become a party to the Peru-Brazilian treaty, which you are aware, is open to the assent and participation, of all the other-Amazonian powers, while others prefer sending an authorised agent of the Government to Buenos Ayres, to negotiate, with parties which offer, for the introduction of commerce through the La Plata. It is the impression of many, that if the present state of things continues a year, the whole mining operations of the country must cease.

On my arrival here, although too ill to be presented to the Government, I very fortunately made the acquaintance of several gentlemen, who speak my language, and who are on intimate terms with the President, and the Minister of Foreign Affairs, and impressed them with the anxiety of my Government, to form commercial relations with Bolivia; and with the readiness with which the merchants of the United States, would accede to proposals, for navigating Bolivian waters; and at the same time, through one of them, I placed Lieut. Maury's pamphlets, in the hand of the Minister of Foreign Affairs. I have since learned, from the gentlemen alluded to, that they have had conferences with the President, and the Minister, on these subjects, and that they are favorably inclined toward commercial relations with the United States; and highly pleased with Maury's pamphlets, especially with that portion of it, which draws a contrast between the policy of Peru and Bolivia, relative to the navigation of the Amazon, so favorable to the latter. In fact the pamphlet is so well received, that the President has ordered its translation, which the Minister of Foreign Affairs is executing, and the printing of 2,000 copies.

Thus far the aspect of our relations is favorable, so much so, that, although my health has not entirely recovered; I have deemed it expedient to hasten my introduction to the Government, and accordingly on the 18<sup>th</sup> inst., ad-

<sup>1</sup> Despatches, Bolivia, vol. I.

dressed a note to the Minister, requesting the indication of a time for the delivery of my letters of credence, and presentation to the President. Under these circumstances it is most unfortunate, that I am here without a draft of a treaty, or power to act in negotiating one, and without prospect of receiving them.

While residing here, an English Physician has been much at my house, who for a time, was in the family, and very intimate, with Col. Loyd, the late British Chargé d'Affaires here, but with whom he afterwards had a disagreement, and separated. It is probably within your knowledge, that Col. Loyd had difficulty with the Government of Bolivia, and retired from the country. His representation to his own Government, of the treatment he had received, induced it to withdraw Diplomatic intercourse with Bolivia, and that too in a tone most insulting. The English gentleman, referred to above, in commenting, on one occasion, upon the conduct of Col. Loyd, remarked that it was most unfortunate for the interests of his country, that he was sent here, for he came with special instructions to negotiate, for British merchants, the right to navigate the Bolivian rivers,—that he was at first very favorably received, and would have succeeded in his object, if he had been a man of ordinary prudence, and discretion,—and that it was owing entirely to his mal-conduct, that British steamers and commerce were not now in Bolivia, to the profit of the former; and the relief of the latter. I learn also, from this same gentleman, that he is now in correspondence with friends in England, who have influence with the Government, making explanations of the imprudent course of Col. Loyd, which he expects will produce a change in its policy, and induce a renewal of Diplomatic relations; and that he is hoping soon, the arrival of a British Chargé d'Affaires.

I have no doubt but the Bolivian Government would, in its present blockaded condition, concede, to any Government or company, which would guarantee to come, at once, to its relief, the navigation of its waters, on the most liberal terms; and hence the danger of delay, and especially the danger resulting from the possible re-appearance of a British Diplomat. And hence too, my conviction, that the present is the crisis when we must secure at once, this prize, if prize it be, or allow it to pass from our hands, for an indefinite future.

When just on the point of closing this despatch, I have received from the Minister of Foreign Affairs, with a request that they be forwarded to their destination, a communication addressed to yourself, which I here with transmit, and one addressed to my predecessor Col. Miller. The latter was published yesterday in the organ of the Government, "*La Epoca*", with a long editorial, from the pen of the Minister, in which he distinctly alludes, and in the most favorable terms, to the navigation of the Amazon, and to commercial through it, with the United States. This article leaves no doubt upon my mind, that the representations, which I have made, through private

channels, of the feeling of my Government and people, and especially Maury's pamphlet, have produced a very marked commercial tendency towards us; which I shall endeavor to cultivate, and turn to account. It may be regarded also, as fortunate, and but just to him, to refer to it, that my predecessor made personally, a very favorable impression here, in striking contrast, with Col. Loyd.

With high respect [etc.].

## 403

*John W. Dana, United States Chargé d'Affaires at La Paz, to William L. Marcy, Secretary of State of the United States*<sup>1</sup>

No. 6

LA PAZ, March 3, 1854.

SIR: The proposed bearer to Tacna of my last despatch,<sup>2</sup> having determined upon a route less circuitous, has delayed his departure from La Paz, until the present time, and I am thus afforded another opportunity, through the same channel, of communicating with my Government; and I avail myself of it, always feeling that each is the last.

I am still without draft of treaty, or power to act, not having received one line from Government, family, or friend, since I sailed from New York, except despatch No. 3,<sup>3</sup> which came on the same steamer with me, and was delivered to me at Panama.

More marked indications, of the kind feeling of the Government, towards the United States, and myself, reach me daily, both through public, and private channels. The President speaks, very freely and openly, of the mutual interests of Bolivia and the United States—of his desire and determination to cultivate more intimate relations with them—and of the people of the United States, as the efficient instrumentality to which he looks, for the establishment of steam navigation upon their rivers. This preference is so freely indicated, that it is a common remark to me, from those intimate with the President, that I can obtain, anything for my country I desire, from his Administration.

On the 23<sup>d</sup> ult, I presented my credentials to the Minister of Foreign Affairs, and was, on the same day, officially received by the President. With this I transmit a translation of the account of the presentation,<sup>4</sup> prepared, and officially communicated to me, by the Minister of Foreign Affairs, and at the same time published in the papers of the City. By this you will perceive indicated, both on the part of the President, and Minister, a marked preference for the United States, over any other nation.

On dining with the President on the 26<sup>th</sup> Ult. a free interchange of views

<sup>1</sup> Despatches, Bolivia, vol. 1.

<sup>2</sup> See above, this part, doc. 402.

<sup>3</sup> This despatch, dated November 29, 1853, is in Instructions, Bolivia, vol. 1, but was not copied because it does not relate to the subject-matter of this publication.

<sup>4</sup> This account appears in the manuscript volume, but was not copied.

occurred, between him, the Minister of Foreign Affairs, and myself, relative to the mutual interest of our respective countries. During this interview, I was informed, that the Government had recently received from the French Government, a communication relative to the navigation of Bolivian waters, by a French company. But the information was accompanied by the expression of a wish, to secure that object, through a North American Company, rather than through any other.

Their idea obviously is, that immediate, regular steam communication cannot be secured, without granting, as an inducement, liberal concessions, in the form of land, money, or exclusive privileges, for a term of years. This view is undoubtedly correct, as steam navigation, either on the tributaries of the Amazon or La Plata, will terminate at points where there are no commercial towns: and although in the richest portions of Bolivia, yet not affording, at present, sufficient productions for a continuous commerce, because the necessary stimulus to production—transportation and market, is wanting. Before a remunerating traffic can be had, transportation must act upon production, and production re-act upon transportation; each stimulating the other; until in a few years, under this process, Bolivia would afford as rich, and varied a basis for commerce, as any country in the world. Under these circumstances, the Government feels, and I think justly, that it will be under the necessity of affording remuneration, in some form, to any company, which will attempt, and prosecute to a successful termination, this process of stimulating, and drawing out its productions.

During the interview at dinner, of which I have spoken, the President and Minister expressed the intention, to arrange for an immediate line of steamers, upon the tributaries of both the Amazon, and La Plata, and the wish, to make those arrangements with the United States. At this point, the question was directly put to me, whether I was authorised to negotiate upon this subject. In reply I stated, that my Government was exceedingly desirous, of placing the United States, in commercial relations with Bolivia, rendered permanent by a treaty, such as would secure to us the right, and to them the benefit, of the free ingress of our commerce, to their rivers and ports; and such treaty, I was instructed by my Government to propose; but that, under its limited powers, it could not contract, either for itself, or for a company, to put, and continue a line of steamers upon their waters. I however expressed the opinion, that proposals might be made by the Bolivian Government, in no degree onerous to them, which would, at the same time, afford a sufficient inducement to North American merchants, to enter into contract to supply them with what their interests so much require—a continuous, and permanent line of steamers: and that they could, through them, attain this object, with a much less burthen than that, which Peru had imposed upon herself, for the same purpose, in her treaty with Brazil. In conclusion, I tendered to them every assistance, which I could unofficially render, in or-

ganising a North American company, for the purpose indicated. The condition of the country, its productions and markets, render it obvious, that steam can only be introduced continuously, and immediately, by a company induced to do so, by something beyond the mere profits of their present traffic: and I shall use my best effort, to secure to my own countrymen, whatever contract, concession, or proposal may be made.

If a company in the United States should contract to establish a line of steamers, through the Amazon to Bolivia, it would afford the best possible basis for our Government, in enforcing its claim upon Brazil, for the navigation of that river. The question is now presented more in the light of a theoretical right; but in that event, it would become purely a practical one, and connected with circumstances justifying, and even demanding, its immediate solution. And beside, we could urge for such a company, not only our own right of navigation, but also that of Bolivia, with which it would be invested; thus presenting the question in the most formidable aspect possible.

While upon this point, I would suggest, that Brazil be brought to a declaration of her intentions on this subject, with as little delay, as is practicable; so that we may not be prevented, by pending negotiations, from adopting any measures, which occurring circumstances may require.

I cannot too strongly, impress upon my Government, the importance of this apparently isolated point—Bolivia, in recovering our long lost political, and commercial influence in South America, where it should predominate. Great Britain has secured this influence to herself, by being in constant communication, and contact, with the whole line of Atlantic, and Pacific coast, through the medium of her steam navigation companies, which she has sustained, by obtaining from most of the Governments along their routes, some important concessions, and exclusive privileges. But the wealth, and resources of South American are in her interior, and are now transported, in some instances from her navigable waters, over mountains and deserts, to the coasts, there to pay tribute to British merchants and steamers. Of this rich interior, Bolivia is the center, and holds the navigable head waters of the two great systems of rivers, which drain the whole. If our commerce comes here, through these channels, it must pass through, or by, every country in South American, but four, and far upon the route to three of those: placing us in like intimate contact with the whole producing interior, in stead of the barrier coast. So that in fact a permanent footing in Bolivia, opens to us the rich treasure of this continent, and restores to us the lost political and commercial influence to which we are entitled.

With high respect [etc.].

## 404

*John W. Dana, United States Chargé d'Affaires at La Paz, to William L. Marcy, Secretary of State of the United States*<sup>1</sup>

[EXTRACT]

No. 8

LA PAZ, *April 15, 1854.*

SIR: . . . The subject of the navigation of the Amazon sleeps as quietly, as His Imperial Majesty of Brazil could desire. On my arrival, I succeeded in awakening upon it an intense, and very general interest; but time and delay, growing out of the absence of power to act, have allowed that interest, in a measure, to subside. The Government is now preparing for a general tour of the Republic, on which it will leave La Paz in about two weeks, and arrive at Chuquisaca a short time prior to the meeting of Congress, on the 6<sup>th</sup> of August. The journey, and the session of Congress (an extra one) are undoubtedly, both intended to have a bearing upon the Presidential election, which occurs in May next, and the intervening time will probably, in a great measure, be devoted to subjects, and arrangements connected therewith. I therefore fear that the whole subject of the navigation of the Amazon is practically postponed, for at least a year, and perhaps never to be resumed under auspices so favorable, as have recently existed.

I am, Sir, [etc.].

## 405

*John W. Dana, United States Chargé d'Affaires at Sucre, to William L. Marcy, Secretary of State of the United States*<sup>2</sup>

No. 11

SUCRE, *August 29, 1854.*

SIR: I have this day addressed a note to the Minister of Foreign Affairs,<sup>3</sup> advising him that I had received power from my Government to negotiate a treaty of commerce *Ect.*; and proposing to enter upon the subject as soon as the convenience of his Government would permit. I also referred to my intention of which he was aware of soon leaving Bolivia, to return to the United States for my family, for the purpose of informing him that I would postpone that return, if the time required for arranging the details of a treaty, without inconvenience to his Government, should render it necessary.

I have, for some time feared, that the approaching Presidential election would engross the attention of this Government, and render it, for the present, indifferent in relation to its foreign affairs; but now I should not be sur-

<sup>1</sup> Despatches, Bolivia, vol. 1.

<sup>2</sup> Despatches, Bolivia, vol. 1.

<sup>3</sup> The document referred to does not appear in the manuscript volume; its contents are indicated in this despatch.



prised to find, not only indifference, but decided unwillingness to enter into any alliance, commercial or friendly, with the United States. A very bitter feeling, towards us, prevails here at this moment, on account of our difficulty with Spain, and our alleged determination to rob her of Cuba. Some months ago, Walker's marauding expedition, and seizure of Mexican territory, was announced here, and commented upon as illustrative of the restless, lawless spirit of our citizens: next came a report, which was for some time believed, that our Government, instead of recognising and paying the just claims of Mexico, had declared war against her: exciting again the fear, which had somewhat subsided, of our aggressive policy toward the Spanish American States: closely following this were the representations, with which the French and English press has been filled, of our difficulty with Spain, our unreasonable demands, and the insolence with which they were pressed for the purpose of provoking a war and seising Cuba at this favourable juncture. All combined, these imaginary or discoloured events, succeeding each other, and reaching here, as all information respecting our country does, through the most unfriendly [*sic*] channels, have excited the Spanish sympathy of race, and aroused anew, their somewhat subsided hatred and fear of the United States.

The feeling among the people is very bitter, but I have not been able to satisfy myself fully, whether the President participates in it. On several occasions, I have recently endeavoured to lead him into the subject, by alluding to our relations with Spain, and the gross misrepresentations of the European press relative thereto; but he apparently avoided it, expressing no opinions, only, once remarking that Cuba was now of but little value to Spain, as it costs her so much to protect it. Although this remark and his general silence are not conclusive; I regard them as indications that he does not retain the kind feeling toward the United States, which he had formerly so warmly and constantly expressed. His attention and politeness to me, personally, are still uniform and marked in this character.

The Minister of Foreign Affairs, as I am privately advised, has recently remarked, that "if the North Americans could gain admission to Bolivian territory, through the Amazon, they would find it as desirable as Cuba, and become as restless to acquire it." Late information leads me to the conclusion, that from the first, while the President was expressing a strong desire for arrangements with the United States which would result in opening the Amazon, the Minister was privately opposed. He is supposed to be in the interest of foreign houses on the coast, and those in Bolivia connected with them. It remains to be seen, whether he will change the policy of the President, by taking advantage of the present state of public feeling.

I have obtained from Mr. Bridoux, of Cochabamba, and from Mr. Williams, of this City, lists of books &c, in the possession of each, belonging to the

Legation; copies of which will accompany this despatch.<sup>1</sup> The archives will, for the present, remain as now deposited, in the possession of those persons.

With high respect [etc.].

## 406

*John W. Dana, United States Chargé d'Affaires at Sucre, to Rafael Bustillo, Minister of Foreign Affairs of Bolivia*<sup>2</sup>

[EXTRACTS]

B

SUCRE, September 6, 1854.

SIR: The Undersigned, Chargé d'Affaires of the United States, has the honour to acknowledge the reception of the note of His Excellency, the Minister of Exterior Relations, of the 1<sup>st</sup> inst<sup>3</sup>; but in its acknowledgement he cannot disguise, or withhold an expression of, profound regret, that it contains a refusal, on the part of the Government of His Excellency, to enter into treaty relations with the United States. . . .

The Government of Bolivia, in a wise and expanded appreciation of its interests, has invited commerce to its ports upon the tributaries of the Amazon and La Plata. The general motive and necessity for treaty regulations, will be found there to apply, with peculiar force. If the uncertainty attending the absence of such regulations, does not entirely prevent commercial intercourse through those channels, it cannot long be continued, without resulting in mutual misunderstandings and difficulties.

Considering, as he has indicated, treaty relations essential, both to commerce and friendship; and considering too the incalculable benefits, especially to Bolivia, but not to Bolivia alone, of introducing to the markets of the world, its rich and varied productions, through the interposition of commerce, the Undersigned cannot refrain from deep regret, that that essential aid to commerce, that strong bond of friendship, a treaty of commerce and friendship, should be denied.

The United States claim, that the Amazon and La Plata, are great highways, on which the world may travel and transport. Bolivia, with emphatic force, asserts that these are the routes which nature gave it, through which to go and come, to buy and sell. The United States desire to carry to Bolivia the fabrics of their looms and their workshops; Bolivia offers, in return, the productions of its soil and its rivers—an exchange full of profit to the one, and of growth and development to the other. Brazil (and perhaps other nations) stands between them, with its negative upon their

<sup>1</sup> The lists referred to appear in the manuscript volume, at the close of this despatch.

<sup>2</sup> Despatches, Bolivia, vol. 1, enclosed with Dana to the Secretary of State, No. 12, below, this part, doc. 407.

<sup>3</sup> This letter does not appear in the manuscript volume, but its character is indicated in this acknowledgment.

single, separately-asserted claims. Shall it continue, from want of concert, to shut out the one, and seclude the other—to deprive the former of a commerce which would increase their wealth, and the latter of markets, which alone are wanting, to give it equal rank with the most rich and productive nations? Or shall common interests make common cause, and by concerted action, present a united claim which no Government would have the hardihood, or the power to resist, and thus secure these obvious rights, privileges, and benefits? This concert of action, and its results, can only be secured by treaty.

The United States, in seeking, as they do, intimate alliance and intercourse with the Spanish American Republics, has no interests in conflict with theirs, none which would not be advanced by their growth and prosperity. A producing, but peculiarly a commercial and navigating nation, it desires exchanges of productions, and to be the carrier of the exchanges of others. On the contrary, the South American States are almost exclusively producers, and the greater their wealth and productions, the greater their exchanges and freights. But there is another, and more sacred bond, than that of interest. We are all Americans, and glory in the name of American Republics; and upon us, both severally and collectively, rests the responsibility of practically confirming, or denying the great doctrine, that man is capable of greater developement, nations of more rapid and substantial growth, under free, than under despotic institutions. In such a fraternity of States, the one that would retard the prosperity and strength of either, would strike a blow at the principle of its own existence. Thus, both from motives of interest and of principle, the United States most sincerely desire to witness, and if possible to accelerate, the advancement of the Spanish American Republics in all the elements of greatness and power.

The Undersigned is aware, however, that his country has not always credit for these sentiments, but is often charged with the reverse, with a hostile, aggressive policy, with seeking power and aggrandisement, without regard to the rights of others. He is aware that the European press constantly teems with perversions of its objects and designs, with misstatements of its acts, and misrepresentations of their causes. He is also aware, and deeply regrets, that his country is known in South America, almost exclusively, through these channels. But, though pained to see it thus defamed, he is consoled with the reflection, that when the impartial history of its foreign intercourse shall be written, it will present a record of frankness, good faith, justice and forbearance in striking contrast with the disguises, subterfuges, wrongs and aggressions which characterise those nations, whose press now so bitterly malign and reproach it.

The Undersigned cannot, in this communication, refute these wholesale misrepresentations, but hopes they may be regarded (and truly they should be) as made for sinister purposes, by rivals in commerce, and enemies to free

institutions; and that they may not be permitted to weaken the force of the declaration, already made, that the United States both from motives of interest and principle, desire the advancement of the Spanish American Republics in greatness and power; nor be allowed to excite distrust in the assurance, that they especially seek lasting friendship and extended commerce with Bolivia, under the conviction that the true interests of both require those relations.

Such is the richness of the soil, and the salubrity of the climate, upon the borders of the navigable rivers of Bolivia, that its agricultural productions need only be limited by the market and demand, which commerce would create, while the United States are large consumers of the productions but adapted to that soil and climate, and unlike other commercial nations, have no intimate relations with any countries affording them. This condition of things indicates a peculiar unity of interests, and strongly urges the adoption of measures, which will result in establishing a more easy and extended social and commercial communication, between the two countries, especially through those rivers. And the Undersigned cannot deny himself the hope, that, should the internal quiet continue, which now so happily reigns in Bolivia, and the Government become relieved from the cares incident to a foreign war, it will find time and motive to mature a system of international intercourse, in which the United States may share, that will place its productions within the reach of the markets of the world; and thus, while extending benefits to others, open a new and glorious era in the history of this interesting country, by adding *this* to its long list of liberal and enlightened measures.

The Undersigned avails himself of this opportunity [etc.].

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*John W. Dana, United States Minister Resident in Bolivia, to William L. Marcy, Secretary of State of the United States* <sup>1</sup>

No. 12

SUCRE, September 13, 1854.

SIR: I advised you in my last despatch <sup>2</sup> that, on the 29<sup>th</sup> ult., I addressed a note to the Minister of Exterior Relations,<sup>3</sup> proposing to enter upon the negotiation of a treaty of commerce &c., between the United States and Bolivia. On the 3<sup>d</sup> inst. I received a reply, bearing date the 1<sup>st</sup>, in which the Government declines the proposed negotiation. The reasons assigned will be found in the translation of his communication attached, marked A.<sup>4</sup>

<sup>1</sup> Despatches, Bolivia, vol. 1.

<sup>2</sup> See above, this part, doc. 405.

<sup>3</sup> The document referred to does not appear in the manuscript volume, but its contents are indicated in this despatch.

<sup>4</sup> This communication does not appear in the manuscript volume.

On the 6<sup>th</sup> inst I addressed another note to the Minister, a copy of which will accompany this despatch, marked B.<sup>1</sup>

This refusal very strangely contrasts with the frequent declarations made by the President, that he strongly desired to enter into more intimate relations with the United States, and that he looked to that Government, as the means of relief from the interdiction, which Brazil interposed, to the use of their navigable rivers.

He once remarked to me, that my Government did not exhibit its usual energy, in permitting Brazil thus to exclude it from the Amazon. I replied that, as yet, the pecuniary motive had not been sufficient to induce our vessels into the Bolivian rivers; and explained to him, that under the limited powers of my Government, it could not engage in a commercial enterprise of that kind, or offer inducements to others to do so; but that whenever sufficient inducements existed, or were created by Bolivia, I doubted not, that our merchants would be prompt to respond, and that my Government would be ready to give them the necessary protection. His remark would seem to indicate that he thought the Government of the United States could act *directly*, in establishing a line of communication and commerce with Bolivia, and if so, he was probably disappointed at my explanation, and might have concluded that no immediate results would be gained, by entering into treaty relations with them.

At another time, in speaking of the obvious mutual interests of Bolivia and the United States, and of the hostile position of Brazil to those interests, he proposed an alliance, offensive and defensive, between the two countries; but aware of the general policy of our Government to refrain from foreign alliances, I did not feel at liberty to encourage that idea, any further than that we should act in concert, in procuring a change in the policy of Brazil.

My failure to respond, as perhaps he desired, to this suggestion, and my explanation of the absence of power in my Government to act *directly*, in establishing commercial intercourse, may have withdrawn the very motives, which prompted his desire, for more intimate relations. But this is a matter of surmise, and I am still inclined to ascribe the change of policy, chiefly, to the hostile feeling now existing here, to which I referred in my last despatch.<sup>2</sup>

My first note to the Minister, proposing a treaty, and his reply,<sup>3</sup> were published in the official paper the day after I received the latter, with what motive I cannot explain, unless to gratify that popular feeling of hostility, by making public the fact, that the Government would not encourage commercial intercourse with the United States. The tone of the Minister's note, however, is entirely inoffensive, and expressive of friendship. My last note <sup>4</sup> has not been published, or answered; but it does not require an

<sup>1</sup> See above, this part, doc. 406.

<sup>2</sup> See above, this part, doc. 405.

<sup>3</sup> The notes referred to do not appear in the manuscript volume. The content of Dana's note is indicated in this despatch.

<sup>4</sup> See above, this part, doc. 406.

answer, unless it induces a change of policy, which I do not anticipate, at present.

With high respect [etc.]

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*John W. Dana, United States Minister Resident in Bolivia, to William L. Marcy, Secretary of State of the United States*<sup>1</sup>

[EXTRACT]

No. 18

LA PAZ, August 28, 1855.

SIR: . . . I deem it useful that this Legation be kept advised of the position of Brazil, on the subject of the navigation of the Amazon; and of that of the Governments on the La Plata and its tributaries, relative to the navigation of those waters.

The exploring expedition of Capt Page, of the *Waterwitch*, is a subject of much interest to the country; and its results, if favorable to navigation in Bolivia, should be communicated to me, at an early date, that I may be prepared to secure to my countrymen any concessions which this Government may be disposed to make, for the purpose of introducing commerce through that channel.

Rumor speaks of negotiations, on the part of Great Britain, with the Government of Paraguay, for a grant, to the citizens of the former, of a large and fertile territory, bordering on Bolivia, and in part claimed by her.

I have the honor [etc.].

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*John W. Dana, United States Minister Resident in Bolivia, to the Minister of Foreign Affairs of Bolivia*<sup>2</sup>

LA PAZ, September 19, 1855.

SIR: The Government of the United States has long looked upon the Amazon and its tributaries as the great channel which nature had provided for the transmission, to the markets of the world, in an inexhaustible supply, of the rich and varied productions of their fruitful borders. Its citizens being peculiarly a commercial people, it sees for them a field for a vast commerce in the interchange of the productions of a temperate, for those of a tropical climate, mutually advantageous to those engaged in it; and it sees too, a source of increased, and less expensive supply of the latter, the consumption of which, in the United States, is already immense. Actuated by

<sup>1</sup> Despatches, Bolivia, vol. 1.

<sup>2</sup> Despatches, Bolivia, vol. 1, enclosed with Dana to the Secretary of State, No. 20, below, this part, doc. 410.

these motives and views, it has constantly exerted its influence and efforts to induce the opening of these waters to the commerce of the world.

But Brazil, with an acute appreciation of her own interests, and in disregard of the rights of other fluvial States, has insisted upon considering the navigable waters within her borders, as exclusively her own, that she might thus monopolise the commerce, and the transportation of the productions, of that vast interior—make her shipping ports the ports of entry and of export for all that it consumes, and all that it exports—and thus render the countries which have equal rights upon those waters, and which have equal natural resources, her mere tributaries and dependents.

At the moment when this vast question is, more than any other, engaging the attention of the commercial world, it is with extreme pleasure that the Undersigned, Minister Resident of the United States in Bolivia, has observed the broad, enlightened and statesmanlike views upon the subject, which His Excellency, the Minister of Foreign Affairs, had the honor to present to Congress, reiterating the declaration of the preceding Administration of the freedom of the rivers, and urging the application of the resources of the Government to its immediate realisation. The Undersigned was peculiarly impressed with the importance of the suggestion of His Excellency, that an effort be made to obtain concert of action among the fluvial States. If such can be secured, as undoubtedly it may among all those which have jurisdiction over the tributaries, their joint action, added to the efforts of the whole commercial world, must be decisive in inducing Brazil to abandon her exclusive pretensions. If, under this suggestion, measures should be adopted resulting in opening these vast regions, to enterprise and commerce, His Excellency the Minister, would have reason to congratulate himself, that in such an important epoch, Providence had placed him in that elevated position, where His opinions would have an influence upon public affairs, and at the same time had gifted him with the mental scope and ability to adapt wise means to the accomplishment of great ends. Let this end be accomplished and Bolivia will date from the Administration of President Cordova a new era in her prosperity, and the world a new era in its commerce.

In relation to the especial interest of Bolivia in connexion with the navigation of the rivers, permit the Undersigned to remark that Lieut. Gibbon, of the United States' Navy, who in the year 1852 descended the Bolivian rivers to the Madeira, and thence through that river and the Amazon to the Atlantic, and whose report has very recently been published, finds in the Madeira obstructions which cannot be passed by steamers, extending downward to about 150 leagues from its junction with the Amazon; and fixes at the termination of those obstructions the head of steam navigation upward; but he does not express an opinion of the practicability of removing those obstructions, or of avoiding them by canals. It is obvious however, from

his discription of them, that the large class of steamers which would be used to navigate the waters below must terminate their route at that point; and that transportation thence to the navigable waters above, and the reverse, must be made in smaller steamers, if those obstructions can be sufficiently removed or avoided to permit their passage, and if not in canoes or balsas. The point thus indicated as the present head of steam navigation must, therefore, ever remain the great point of delivery and transshipment of all goods and productions destined to or from Bolivia; and consequently presents itself as of vital importance forever to the commerce of the country. Brazil unquestionably owns the right bank of the Madeira, during its whole course, and all the maps of South America, whether European or American, give to the Peru the left bank, from the junction of the Beni and Mamore some distance downward, and the remainder of the left bank to Brazil, thus excluding Bolivia entirely from jurisdiction over the Madeira. Brazil therefore holds jurisdiction, on one side of the river, over the territory where the obstructions to steam navigation commence; and all along the course of those obstructions, and the maps assign to Peru a like jurisdiction on the other side. Under this state of things, in the event of the opening of the Amazon and its tributaries to foreign commerce, Bolivia will find itself without a port of entry—without a point for the transshipment of goods—and without the right to remove the obstructions which prevent the entrance of vessels within her acknowledged territory. But the Undersigned has been informed that Bolivia justly claims the left bank of the Madeira down to the 7° of south latitude—an extent which would cover the head of steam navigation, as indicated by Gibbon, and give it jurisdiction over, and the right to remove all the obstructions which he found.

The Undersigned has felt it his duty to place in the possession of His Excellency the information which he has derived, but recently, from the report of Lieut. Gibbon, because it gives to the question of limits between Bolivia and Peru an importance which it would not otherwise possess, involving in fact, the question, whether Bolivia shall ever realise her hopes of communicating with the Atlantic through her rivers. And he does so at this time, because he infers from the report of His Excellency that negotiations will soon be opened for the adjustment of all questions at issue between the two Republics, which will present a favorable opportunity for the settlement of that of limits—an essential step towards the accomplishment of the great object (the navigation of the rivers) which the Minister so eloquently urges upon the consideration of Congress.

In view of these obstructions to navigation, the scientific exploration which His Excellency recommends, would seem an essential preliminary step, for the purpose of determining the practicability and cost of removing them. In fact the suggestions which He has made embrace the whole subject in all its magnitude, and the Undersigned will watch with interest the



result, trusting that an object so long desired, and now so judiciously undertaken, will soon be happily consummated.

The Undersigned avails himself of this opportunity [etc.].

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*John W. Dana, United States Minister Resident in Bolivia, to William L. Marcy, Secretary of State of the United States*<sup>1</sup>

## [EXTRACTS]

No. 20

LA PAZ, September 26, 1855.

SIR: I find in the Report of the Minister of Foreign Affairs, made at the opening of Congress now in session, remarks upon the subject of the navigation of the Amazon and its tributaries, which I deem of sufficient importance to quote at length. . . .

Although the Minister, in the above extracts, refers in general terms, to free navigation, yet he insists so strongly upon concert with all the fluviatric States, and manifests so plainly fear of usurpation and appropriation of territory by others, that I am on the whole inclined to construe his opinions as favorable to the Brazilian policy of making the rivers free to those countries alone which occupy their borders; and I fear that the proposed efforts for concert of action, so far as his influence extends, will result in all the fluviatric States becoming a party to the treaty between Brazil and Peru, which declares the principle of freedom to themselves, and exclusion to others, and is open to the adoption of the other States.

The Government of Brazil has, for years, directed its efforts and diplomacy to the object of securing concert of action upon this principle; well knowing that it would put to rest all the claims and pretensions of the commercial world, relative to their right to enter the Amazon; and bring to a termination, favorable to itself, all controversy upon the subject.

The Government of Bolivia has hitherto, uniformly repelled the overtures of Brazil, and I fear that, should it now change its position, and propose and advocate a concert of action, upon the basis of the Brazilian policy, it would have a strong influence in inducing the other States to unite upon it; especially as Brazil stands ready, upon the adoption of that policy, to give at once to each of them, what all so much desire, steam navigation upon their rivers.

Fearing thus that this suggestion of the Minister might result in a movement disastrous to the great question of the free navigation of the Amazon, I addressed him a note upon the subject, in which, instead of suggesting the foregoing construction of his language, I thought it more judicious to ascribe

<sup>1</sup> Despatches, Bolivia, vol. 1.

The quoted portion of the Minister's report was not copied.

to him, (as his remarks permit) sentiments favorable to free navigation—to present, in contrast with that of the United States, the policy of Brazil, and its effects upon the interior States,—and to direct his attention to a concert of action among those States against that policy, as being the means of inducing Brazil to abandon it. With this I transmit a copy of the communication marked A.<sup>1</sup>

I have also advised our Ministers at the capitals of the other fluvial States, that the Minister of Foreign Affairs of Bolivia had suggested a conference between those States on the subject of the navigation of the Amazon and its tributaries, and that they be on their guard to prevent the adoption of the Brazilian policy.

If such conference be had, would it be desirable that during its deliberations, an invitation be extended to the Government of the United States to send an exploring steamer into those waters? Such an invitation would afford an opportunity to the United States to assert practically the right which it has long asserted on paper, and under as favorable circumstances as could be desired; because it would be done in conjunction with those whose rights are unquestioned. If Brazil does not yield her pretensions to argument and negotiation, (and that she never will do) such an invitation would afford us a perfect justification in the eyes of the world for passing through and breaking down the barriers against commerce which she has so long, and so unjustly maintained. And besides, these feeble interior States must look somewhere for sympathy and support in this conflict of interests with Brazil. If they fail to obtain it, they cannot secure their rights; and policy and duty would require them to accept the partial concession which Brazil tenders them, rather than see their beautiful rivers and rich valleys remain desolate and depopulated. Impressed as they are with the vital importance of steam navigation to their prosperity and progress, it is surprising that they have rejected, even until now, the proposals of Brazil: that they will long continue to reject them is not to be hoped; and their acceptance, upon the terms which Brazil exacts, (the exclusion of all exterior commerce) is the act of closing for ever—those waters, by those who have the right to close them, against the commerce of the world, without leaving to other nations even valid ground for objection or complaint. The idea that so important a question hangs upon the action, prompted by the necessities, of these feeble States, excites in my mind great uneasiness and anxiety: and I fear that while we are patiently asserting our rights with Brazil, she is adroitly combining to undermine them, and will soon be able to prove to us and the world, that we have none. Time for exhausting the patience of these minor States is all she requires in accomplishing this; and whether that be longer or shorter the future must determine.

In the event of a conference, such as has been suggested, between these

<sup>1</sup> See above, this part, doc. 409.

States, if it could be understood that the United States would be willing to send an expedition into the Amazon, for the exploration of its various tributaries, such an understanding would strongly tend to withhold them from an alliance with Brazil, because it would assure them of our support in pursuing the more liberal policy. But I dare not suggest this, without the authority of my Government, because if their expectations were excited and not realised, it would the more convince them that they had nothing to hope but in yielding to Brazil.

I have the honor [etc.].

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*John W. Dana, United States Minister Resident in Bolivia, to William L. Marcy, Secretary of State of the United States*<sup>1</sup>

No. 23

LA PAZ, December 1, 1855.

SIR: A short time since a friend transmitted to me privately, for my consideration and opinion, a copy of proposals from a French Co. for the improvement and navigation of the rivers of Bolivia. These proposals were presented to the Government through the Bolivian Chargé d'Affaires in France, and the gentleman from whom I received the copy, enjoying highly the confidence of the Government, they were submitted to him, for his advice in relation to their acceptance. A translation and copy of the proposals is attached, marked A.<sup>2</sup>

As this project involves the concession, to that Co., of the *exclusive* use of all the waters of Bolivia for 99 years, I deemed it important if possible to prevent its acceptance, and accordingly presented the objections which suggested themselves to my mind, in reply to the gentleman who favored me with the copy; presuming that, through him, those objections would reach the Government, and not feeling at liberty to address the Government directly upon the subject. I transmit herewith a copy of the communication, marked B.<sup>3</sup> I have also made use of various other indirect influences to convince the Government that the object could be attained on more favorable terms. But I fear that there is a predetermination not to give a footing in the country, to citizens of the United States, by permitting them to participate in such an enterprise.

I am advised by my informant that the Co. is organised with a capital of \$10,000,000, and is prepared to engage at once in the work, as soon as the contract is closed.

The inference from these facts is, that while Brazil is excluding us from

<sup>1</sup> Despatches, Bolivia, vol. 1.

<sup>2</sup> This enclosure appears, but was not copied; its contents are indicated in this despatch.

<sup>3</sup> This letter, dated at La Paz, November 3, 1855, from Dana to señor Carlos Bridoux, is printed below. Sr. Bridoux's letter covering the project for navigation, mentioned in the first paragraph below, was not found.

the Amazon, it is permitting its navigation to others, and enabling them to secure the monopoly of the rivers above, to our permanent exclusion.

The country remains quiet under the Administration of President Cordova. The prisoners taken in the recently attempted revolution have all been pardoned, and many of them have received public employment.

With high respect [etc.].

## 412

*John W. Dana, United States Minister Resident in Bolivia, to William L. Marcy, Secretary of State of the United States*<sup>1</sup>

No. 24

LA PAZ, December 5, 1855.

SIR: The Minister of Foreign Affairs, in his recent report to Congress, alluded in very favorable terms to the exploring expedition of Lieut. Page, of the *Water Witch*, in the waters of La Plata; expressed the anticipation of his arrival in the Bolivian tributaries of that river and of much benefit to Bolivia from his exploration of its rivers. Translated extracts from his report on that subject are attached marked A.<sup>2</sup>

Late in Oct. I received a communication from Lieut. Page, dated Santiago del Estero, Sept. 5.,<sup>3</sup> informing me that the Government of Paraguay would not permit him to ascend the Bolivian rivers with his steamer, and that he was on his way to Bolivia for the purpose of *descending* the Pilcomayo; and asking me to obtain from the Government permission, and assistance, in preparing the necessary canoes &c, for the expedition; and informing me also that he should be detained in the further exploration of the Salado, so that he should not arrive at Sucre until late in Oct.

On the reception of his letter I addressed a note to the Minister of Foreign Affairs apprising him of the intention of Lieut. Page, and expressing confidence of the co-operation of his Government. Accompanying this is a copy of the note marked B.<sup>4</sup>

Yesterday I received a reply from the Minister, with a copy of instructions which had been issued to the Prefect of the Department of Tarica, for the reception and assistance of Lieut. Page: translated copies of both which I transmit herewith marked C. & D.<sup>5</sup>

On the same day (yesterday) I was much disappointed in receiving a second letter from Lieut. Page, dated Salta Nov. 13.,<sup>6</sup> informing me that he

<sup>1</sup> Despatches, Bolivia, vol. 1.

<sup>2</sup> The extracts mentioned appear in the manuscript volume, but were not copied; their contents are indicated in this despatch.

<sup>3</sup> This communication does not appear in the manuscript volume.

<sup>4</sup> This note appears in the manuscript volume, but was not copied.

<sup>5</sup> The documents marked C and D both appear in the manuscript volume, but were not copied.

<sup>6</sup> This letter does not appear in the manuscript volume. The contents are summarized, here, however.

had been occupied two months longer than he had anticipated in the examination of the Salado, and in addition to that had received letters from the Water Witch, since his former date which must determine him to return to it, as soon as possible, and consequently to abandon the exploration of the Pilcomayo.

I presume that Lieut. Page had sufficient reasons for abandoning the enterprise, for in his first letter he manifested great anxiety and determination to accomplish it: nevertheless, I exceedingly regret that he was under the necessity of doing so, after permission and aid had been asked and freely tendered, and expectations had been excited which will now result in disappointment. I shall excuse the matter to the Government as well as my limited knowledge of the circumstances will enable me.

With high respect [etc.].

## 413

*John W. Dana, United States Minister Resident in Bolivia, to J. de la Cruz Benavente, Minister of Foreign Affairs of Bolivia*<sup>1</sup>

A

LA PAZ, October 17, 1856.

SIR: The Undersigned has the honor to be in possession of the note of yesterday of His Excellency the Minister of Exterior Relations,<sup>2</sup> and in reply regrets to say that his only information in relation to the steamer "Yerva" [Yerba] is a report, that it has been sent into the river Bermejo by a North American commercial company, for commercial purposes only. It is possible that the same motive will induce it also to visit the Pilcomayo, but this is doubtful, because the general impression is, that the Pilcomayo is much less favorable to navigation and commerce than the Bermejo; and the object of the owners of the "Yerva" [Yerba] will be merely to make a profit on its voyages, it being now entirely disconnected with the exploring expedition instituted by the Government of the Undersigned, under the direction of Lieut. Page.

The undersigned regrets also to say that he is not in possession of information relative to the intention of his Government on the subject of continuing the exploration, which Lieut. Page commenced, of La Plata and its tributaries. Obstacles thrown in the way by the Governments of Brazil, and of Paraguay caused so much delay that he accomplished much less than was anticipated, or than he otherwise would have done, during the three years for which he was commissioned.

It is reported that those obstacles are now removed—that La Plata and its

<sup>1</sup> Despatches, Bolivia, vol. I, enclosed with Dana to the Secretary of State, No. 31, below, this part, doc. 417.

<sup>2</sup> The note referred to does not appear. In Dana's No. 31, he explains that he was unable to secure a satisfactory translation of this note, but that his reply would explain the contents.

tributaries are open to foreign flags—if this be true it is possible, and perhaps even probable, that the Government of the United States will order another exploring expedition into those waters.

Aware of the patriotic interest which the Government of His Excellency feels in the exploration and navigation of the rivers of Bolivia, and desirous of contributing all in his power to the realization of an object of such indiscribable magnitude, the undersigned will, with pleasure seek information from his Government as to its further intentions upon the subject. He will also endeavor to obtain, from the Minister of the United States at Buenos Ayres, information in relation to the character and intentions of the commercial Company which has sent the "Yerva" up the Bermejo, and if possible induce them to attempt a like enterprise in the Pilcomayo.

It may not be inappropriate to remark, that Lieut. Page, in his last communication to the undersigned, dated at Buenos Ayres, gave some facts in relation to his exploration which may be of interest to Bolivia, and for that reason he transmits herewith a paper containing extracts therefrom.<sup>1</sup>

It will be observed from those extracts, that Lieut. Page alludes to a claim of territory, set up by the Government of Paraguay, adverse, as he supposes, to the rights of Bolivia. In another portion of his letter he requests the undersigned to obtain for him, if possible, accurate information respecting the southern boundary of Bolivia, and especially how far down the river Paraguay the Bolivian territory justly extends. This information the undersigned has as yet been unable to obtain, and His Excellency will very much oblige him by refering him to the authorities or documents in which it may be found.

The undersigned avails himself of this opportunity [etc.].

## 414

*John W. Dana, United States Minister Resident in Bolivia, to William L. Marcy, Secretary of State of the United States*<sup>2</sup>

No. 27

LA PAZ, October 24, 1856.

SIR: I received, a few days since, a Note from the Minister of Exterior Relations,<sup>3</sup> making enquiry in relation to the United States Exploring expedition in La Plata; whether it was the intention of the Government to renew it, and expressing great anxiety that it should be extended into the Pilcomayo and Bermejo, which have their sources in Bolivia, and discharge into the rivers Paraguay, the former rising near Sucre, the capital.

I have replied to the Minister that I was unable to inform him of the intention of my Government in relation to the renewal of the Exploration;

<sup>1</sup> No copy of the paper referred to appears in the manuscript volume.

<sup>2</sup> Despatches, Bolivia, vol. I.

<sup>3</sup> The note referred to does not appear. The same note is mentioned in note 2, above, this part, doc. 413.

and explained to him the obstacles which prevented Lieut. Page from carrying out the intention he had expressed, of examining those rivers.<sup>1</sup>

Since that reply the Minister has conversed with me upon the subject, manifesting much anxiety that the exploration may be renewed and those rivers explored, and wishing me to communicate with my Government in relation to the matter, and obtain information of its intentions; which I promised to do.

The success of Lieut. Page in determining the navigability of the Salado excited much interest here in relation to the exploration of the Bolivian rivers; and the abandonment of their intended exploration caused a corresponding disappointment. I am impressed with the idea, that, although Lieut. Page has done much toward the accomplishment of the design of the expedition under his charge, still, he has left much more undone; not from any neglect on his part, but from obstacles thrown in his way by the Governments of Brazil and Paraguay: which obstacles I am informed (though perhaps incorrectly) do not now exist.

As I understand it; the extent of his explorations is the river Salado, and the Paraguay 650 miles above Asuncion, to the Brazilian military post Curumba. To this point the Paraguay has always been supposed to be navigable, but is, for a great porportion of the distance, uninhabited. The great question of commercial interest in relation to that river is, whether the rich diamond and mineral regions of Brazil and Bolivia, the former containing a large population, can be reached through the upper waters, of the Paraguay and its large tributaries, the Cuyaba, St. Lorenzo, and Jauru, all supposed, but not *known*, to be navigable. With this important point in relation to the upper Paraguay and its tributaries unsettled—the failure of the attempt to explore the Parana and its tributaries—and the Pilcomayo and Bermejo and perhaps other navigable rivers not attempted, the remark would seem just, that, although much had been done infinitely more is still to be done, by the United States, or some other power, in opening those immense and productive regions to steam navigation and commerce. And, undoubtedly, if we are the instrument of conferring upon the States interested so great a benefit, it would have a tendency in some degree to restore to us the influence and sympathy to which we are entitled, but of which we have long been deprived, by the intrigues of other powers.

But I presume that your Department has, from the report of Lieut. Page and other sources, all the information necessary to determine its course in relation to the further prosecution of the exploration; and I therefore refrain from more extended remark, merely asking to be enabled to communicate to the Government of Bolivia the information which it desires relative to the intention of my Government on the subject.

With high respect [etc.].

<sup>1</sup> For Dana's reply to the Bolivian government, see above, this part, doc. 413.

*John W. Dana, United States Minister Resident in Bolivia, to William L. Marcy, Secretary of State of the United States*<sup>1</sup>

No. 29

LA PAZ, October 25, 1856.

SIR: Since closing my two despatches of yesterday, Nos. 27 & 28,<sup>2</sup> I learn this evening, that the Govt. of Bolivia received this morning a communication from that of Brazil, proposing to send here a minister with full powers to negotiate a treaty of limits, and in relation to the navigation of the Amazon. The object unquestionably is, to bring Bolivia to assent to the doctrine of the treaty between Brazil and Peru, that the right of navigating the Amazon and its tributaries belongs to the States through which they run; and to be used exclusively by them. To obtain this assent, Brazil will undoubtedly be willing to assume an obligation, similar to that with Peru, of furnishing a line of steamers to Bolivia; and if necessary will probably yield to Bolivia certain territory now in dispute between them. If such proposals are made I presume that Bolivia will accept them if no mode of relief from the exclusive policy of Brazil, and no hope for the introduction of steam on the principle of the freedom of the rivers, is presented. Probably this is a part of a simultaneous movement upon all the States interested, and if successful, I suppose the result is, the permanent exclusion of the flags of all exterior nations; consigning the rich regions which these noble rivers drain to the sleep of commercial death for centuries.

I have heretofore urged upon this Govt. the benefits to be derived from making the rivers free to the commerce of all nations, and the dependent, secluded position the country must ever occupy under the exclusive policy of Brazil; but I have no authority to encourage them to resist this policy under the hope of present or future cooperation.

This Govt. has indicated, in the last two or three weeks, a renewed interest in the navigation of the tributaries of the Amazon, as well as those of La Plata. In that time, the Minister of Exterior Relations has had several conferences with me on the subject of the former; and a few days since he addressed me a note, covering a series of questions in relation to the cost, construction &ct of 2 steamers adapted to shoals and rapids, such as Gibbon reports, and in relation to obtaining an engineer to estimate the cost and superintend the removing those obstructions; and requesting me to obtain answers to those questions, from some practical, experienced men in the United States. In compliance with this request, I transmit, by this post, a translation of the questions to a man in Maine<sup>3</sup> who I think will be able to give reliable information on the points required.

But I fear, if Brazil should propose to do this work of moving obstructions,

<sup>1</sup> Despatches, Bolivia, vol. I.

<sup>2</sup> For No. 27, see above, this part, doc. 414. No. 28 was not copied.

<sup>3</sup> No copy of these questions is filed in the manuscript volume.



and furnishing steamers, that the Govt here, considering its limited means, would consent to relieve itself, from it, by adopting the exclusive policy which Brazil dictates, especially as it sees no mode of relief from that policy.

With high respect [etc.].

## 416

*John W. Dana, United States Minister Resident in Bolivia, to Juan de la Cruz Benavente, Minister of Foreign Affairs of Bolivia*<sup>1</sup>

C

LA PAZ, November 15, 1856.

SIR: His Excellency the Minister of Exterior Relations is undoubtedly aware that the late Congress of Plenipotentiaries at Paris adopted a "Declaration" in relation to maritime law, with a view to its general modification. The principles of the "Declaration" are as follows:

1<sup>st</sup> Privateering is, and remains, abolished;

2<sup>d</sup> The neutral flag covers enemy's goods, with the exception of contraband of war;

3<sup>d</sup> Neutral goods, except contraband of war, are not liable to capture under enemy's flag;

4<sup>th</sup> Blockades, in order to be binding, must be effective; that is to say, maintained by a force really sufficient to prevent access to the coast of the enemy.

At a subsequent sitting, the Congress resolved that these four principles should be regarded as indivisible; or in other words, that the adherence of any other power to a portion of these principles should not be accepted, unless, at the same time, it was given fully to them all.

Several of the Powers represented in that Congress have solicited the adhesion of the Government of the United States to the principles contained in that "Declaration". The Secretary of State has replied to that request by a note to the Count de Sartiges, the Representative, at Washington, of His Majesty, the Emperor of the French; a copy of which note His Excellency the Minister will receive herewith.<sup>2</sup>

It will be perceived that, while the Government of the United States fully approve of the 2<sup>d</sup> 3<sup>d</sup> & 4<sup>th</sup> propositions of that "Declaration", and have in fact, for the last two years, urged the adoption of the 2<sup>d</sup> and 3<sup>d</sup> upon the maritime powers of the world, still it is precluded from giving its adhesion to *those*, because they are made inseparable from the 1<sup>st</sup>, and because to *that*, in its present form it has insuperable objections.

Those objections, briefly stated, are—that the policy of the United States, as of all Republics, is adverse to a large army and navy in time of peace—

<sup>1</sup> Despatches, Bolivia, vol. 1, enclosed with Dana to the Secretary of State, No. 31, below, this part, doc. 417.

<sup>2</sup> There is no copy of this note filed in the manuscript volume.

that in the event of war, their chief reliance for military operations on land is upon volunteer troops, and for the protection of their commerce upon a similar force; volunteers, from their mercantile marine, or in other words, privateers—that there is no greater objection to their using, and no more reason for their depriving themselves of, this volunteer force upon the sea, than of the similar force upon the land—that to surrender this right, would be to abandon their early established, and uniform policy of a small navy, or to leave their commerce constantly at the mercy of all naval Powers—that the general surrender of this right, by the weaker maritime States, would be a surrender of the permanent and exclusive control of the sea, and with it, the commerce of the world to at most, two or three, or perhaps to one, the strongest Naval Power—that such a monopoly of power, and of commerce, is hazardous to the peace and adverse to the interests and progress of the civilized world; and especially injurious to themselves, and to all other Powers, which do not aspire, by strong naval armaments, to the control of the seas.

But while the Government of the United States, for these insuperable reasons, objects to the first proposition of the "Declaration", in its present form, it would very cordially assent to it, if so amended as to apply the same rules of exemption from capture of private property upon the sea, which have of late years obtained in relation to private property upon the land. And for the purpose of securing, to itself, and the world, such an amelioration of the belligerent code, and at the same time, of enabling itself to give its adhesion to the "Declaration", it has proposed, in the reply to the Count de Sartiges, an amendment of the first proposition by adding to it the following words: "and that the private property of the subjects or citizens of a belligerent on the high seas shall be exempted from seizure by public armed ships of the other belligerent, except it be contraband." It is to be hoped that the Powers which originated the "Declaration" may adopt this amendment, and thus secure to it, on account of its lenient and genial influences, the sanction and approval of an universal public sentiment; instead of its being, as in its present form, an object of resistance to the weak, and an instrument of oppression to the strong.

Such being the present position of this important question, the Government of the United States, always desirous of acting in concert and harmony with the sister Republics of the South, has instructed the undersigned its Minister Resident near the Government of Bolivia, to propose to it, to enter into an arrangement for its adhesion, with the United States, to the four principles of the "Declaration" of the Congress of Paris; provided the first is amended as specified in the note to the Count de Sartiges.

If this amendment should unhappily be rejected, the Government of the United States will be consequently precluded from becoming a party to the "Declaration"; for so long as the rules of war continue to expose the prop-

erty of its citizens, to seizure upon the ocean, it never can forego the right, for its protection, to add, at any time, to its naval force, such volunteers from its mercantile marine as are termed privateers. In such an event—the rejection of the amendment, and the consequent withholding its assent to the “Declaration”—it is important to understand what would be the attitude, towards itself, of neutral States, should it become involved in war with either of the Powers which are parties to the “Declaration”.

For this reason, the President of the United States, anxious to maintain cordial relations of friendship and frankness with Bolivia, has directed the undersigned to enquire, whether the adoption of this “Declaration”, by a portion of the maritime Powers, will produce any change in her policy as a neutral State? or whether the privateers of the United States, under the long and well established principles of international law, may not still continue to find refuge and protection in her ports? It is true that Bolivia has now but one port open to foreign commerce; but it is to be hoped that the day is not distant when many others will be found accessible, and frequented by the marine of all nations, through her tributaries of the Amazon and La Plata; and this prospect of more extended international intercourse in the future, renders her position one of additional importance.

Though the President does not seriously apprehend that the rights of the United States in regard to the employment of privateers will be affected, directly or indirectly, by the new state of things which may arise out of the proceedings of the Congress at Paris, yet it would be gratifying to him to be assured by the Government of Bolivia that no new complications in the relations with it are likely to spring from those proceedings. He trusts that so long as Bolivia is, and he anxiously desires that she should ever be, a friendly Power, her ports will be, as they heretofore have been, a refuge from the dangers of the sea and from attack, as well for its privateers as for merchant vessels and national ships of war in the event of hostilities between his country and any other Power.

The undersigned avails himself of this occasion [etc.].

## 417

*John W. Dana, United States Minister Resident in Bolivia, to William L. Marcy, Secretary of State of the United States*<sup>1</sup>

No. 31

LA PAZ, November 24, 1856.

SIR: In my despatch No. 30<sup>2</sup> I acknowledged the reception of yours (No. 11) relative to the subject of the change of maritime law proposed by

<sup>1</sup> Despatches, Bolivia, vol. 1.

<sup>2</sup> This despatch appears in the manuscript volume, but contains no material pertinent to this publication.

the "Declaration" of the Congress of Paris.<sup>1</sup> On the 15<sup>th</sup> inst I complied with your instructions by addressing a note to the Minister of Exterior Relations, a copy of which marked C. I transmit herewith, though for convenience under a separate cover.<sup>2</sup> No reply has as yet been received.

In my No. 27<sup>3</sup> I referred to a note from the Minister of Exterior Relations making enquiries in relation to the steamer "Yerva" in the river Bermejo, and the further exploration of that and other tributaries of La Plata. And in my No. 30<sup>4</sup> I referred to another note from the Minister covering a series of questions relative to the construction, cost &ct of steamers adapted to rapids and shoal water. I have been unable to obtain satisfactory translations of these notes to transmit to the Department, as required, but my replies will explain their contents, copies of which you will receive herewith, marked A & B.<sup>5</sup>

I was requested by Lieut. Page of the U. S. Exploring expedition in La Plata to obtain and communicate to him information in relation to the actual southern limits of Bolivia. His letter<sup>6</sup> was a long time reaching me, mislaid somewhere on the route; but since its reception I have endeavored, without success to find, from authentic sources, the information desired. In my note to the Minister, the copy of which is marked A., I request him to refer me to the authority or document in which the limits are described, but as yet I have received no answer to the request. In fact I doubt whether they have any authorities to which to refer me, for their northern, eastern, and southern limits are in dispute, and probably have never been defined.

With high respect [etc.].

## 418

*John W. Dana, United States Minister Resident in Bolivia, to Juan de la Cruz Benavente, Minister of Foreign Affairs of Bolivia*<sup>7</sup>

A

LA PAZ, February 27, 1857.

SIR: The undersigned, Minister Resident of the United States in Bolivia, has observed in the "Epoca" of a recent date a communication from the Legation of the Republic Costa-Rica in Lima, addressed to His Excellency the Minister of Exterior Relations of Bolivia.<sup>8</sup> The motive of that communication—the adoption of means for the preservation of the independence

<sup>1</sup> This instruction, No. 11, dated August 29, 1856, is the same as one of the same date, from the Secretary of State to James A. Peden, U. S. minister at Buenos Aires, for which see above, vol. 1, pt. 1, doc. 34.

<sup>2</sup> See above, this part, doc. 416.

<sup>3</sup> See above, this part, doc. 414.

<sup>4</sup> This despatch appears in the manuscript volume, but was not copied.

<sup>5</sup> For the enclosure marked A, see above, this part, doc. 413. Enclosure B appears in the manuscript volume, but is not included in the present publication.

<sup>6</sup> No copy of this letter was found in the manuscript volume.

<sup>7</sup> Despatches, Bolivia, vol. 1, enclosed with Dana to the Secretary of State, No. 34, below, this part, doc. 420.

<sup>8</sup> For translated extracts of this communication, see note 1, below, this part, doc. 419, p. 60.

and integrity of the Spanish American States—is an object both honorable and just; but however much the occasion may require the protective measures proposed, it cannot justify the gross misrepresentations of the policy and acts of a sister Republic (the United States) which that communication contains. The undersigned is accustomed to see daily, and with indifference, these calumnies promulgated by the press and periodicals of the Monarchies and Despotisms of the old world, knowing that they originate in jealousy, and fear of the result upon themselves of the success of the experiment of self-government in the new; but when he sees them adopted and officially announced by a State which has, if not a common origin, a common interest with his own in the result of this grand experiment to which tyrants are looking with dread, and the oppressed with hope—when he sees these calumnies adopted and officially announced by a sister Republic, against a sister Republic, he is filled with deep pain and regret; for if the feelings and prejudices of the Republican States of the New World can be excited against each other—if they can be made to regard each other as rivals and enemies instead of friends, then the objects of the Governments of the old world will be accomplished by making them the fatal instruments of their own distraction.

These considerations, added to the deep interest which he personally feels both in the Government and people of Bolivia—to his high appreciation of their good opinion and kind feeling towards himself and his country—and above all, to the strong feeling animating the Government and people which he represents for the most intimate and cordial relations with the Spanish-American States—a combination of all these motives has prompted the undersigned to endeavor to remove, by a reference to facts, the unfavorable impressions which the note of the Ministers of Costa Rica is calculated to produce; and as their aspersions have been given to the public a like publicity to their reputation would seem to be just.

Their note in substance asserts, that the events now occurring in Nicaragua are but another scene in that “sad drama” in which had previously been represented the “annexation of Texas, the invasion of Mexico, and the occupation of California”, thus directly charging upon the United States’ Government the responsibility of Nicaraguan occurrences, and then characterizing those, and the others, as “atrocious acts”, “infringing every principle of the rights of man and of society,” and as “most tyrannical and scandalous deeds of vandal filibustering”. If the undersigned believed that his country merited this language he would forever disown and abandon it. But what are the facts, freed from European distortions and perversions? And first in relation to Texas?

Texas was originally one of the States of the Mexican Republic, enjoying, with all the other States, certain rights of State Sovereignty under their constitution, independent of the General Government. After one of the revolutions which unhappily have so frequently disturbed that country, all

the powers which the constitution conceded to the State Governments were usurped, and concentrated in the General Government. To this usurpation Texas, with many others of the States, objected, not at first by force, but by a long series of remonstrance and negotiation with the General Government through commissioners sent to the capital for that purpose. At length, remonstrance and negotiation failing, it resorted to forcible resistance of the usurped powers, but still recognising the obligations to the General Government which the constitution imposed. During two years of, first peaceable, and then forcible, resistance of these usurped powers no proposition was made for a separation from the Republic, and there is nothing which indicates that the resistance was interposed with that intention; but on the contrary the evidence is that it made long and earnest efforts to remain in the Republic enjoying its constitutional rights. These efforts failing, and no alternative remaining but unconditional submission to the central power, the determination was at last formed and asserted for a separation, and an independent political existence. Having declared, and for a time maintained its independence, application was made to the leading Powers, and among others to the United States, for its recognition as one of the fraternity of nations; but the Government of the United States, influenced by the wish to refrain from any act which might be construed into an offence against Mexico, denied the request, and withheld recognition, until after Texas had been recognised, and had actually established treaty relations with several of the European Powers. This independent existence continued for about eight years, and during these eight years three several applications were made to the Government of the United States for admission into the Union, and three times those applications were rejected, until at length, annoyed and irritated by these repulses, it turned to Great Britain, and was upon the point of forming an alliance which would have made it a mere dependency of that Power. Was it the duty of the United States, from feelings of courtesy towards Mexico, to stand by longer and see a territory, over which it had long ceased to exercise jurisdiction, pass into the hands of their great maritime, and commercial rival, when that territory commanded, in a measure, the mouth of the great outlet of their productions, the Mississippi river, and also navigable tributaries of that river, through which any enemy at any moment might make a descent upon its great centers of commerce and population? Did courtesy towards Mexico require that sacrifice—which, even if made, would have ensued to the benefit of others—not Mexico? At this juncture in the affairs of Texas—with this motive pressing upon them, the United States gave their assent to its annexation. By this act was any wrong done to Mexico? Texas had not only declared, but had shown to the world its ability to maintain its independence; Mexico had long ceased to exercise jurisdiction over it; and seeing this, the world, in accordance with every principle of international law, had recognised it as an independent State.

If an independent State, it had a right to form alliances at pleasure, and that it was such a State, all the leading powers have agreed. If the United States committed a wrong to Mexico by annexing it, all other nations had, much earlier, committed a like wrong by recognising it, and by treating with it as a State. Their acts form a perfect endorsement of the subsequent act of annexation—if the United States erred, the leading Powers of the World erred with them—the claim of Mexico was against the universal judgement thus expressed. It is true that Mexico had not formally relinquished its claim of jurisdiction; this attribute, and this only, of perfect sovereignty was lacking: but it is also true that, up to that time, Spain had not relinquished its claim to jurisdiction over Mexico; if this defect of title to sovereignty was valid against the one, it was equally valid against the other—both were, of right, mere colonies of Spain, and the wrong, if any, in the annexation of Texas, was against Spain, not Mexico.

After the annexation was fully consummated, and all the United States had thereby assumed obligations to Texas, as one of the States of the Union, from which they could not relieve themselves, Mexico, ignoring the very principles upon which rested its own claim to nationality, and repelling all efforts for an amicable adjustment, made war upon the United States by the invasion of Texas. At first the United States Government confined its military operations within the territory, and to the defense of that State; and during that time made use of every appliance which human wisdom could suggest to avoid the alternative of war. In fact such means, direct and indirect, were resorted to to avoid that war, as would have fixed indelibly the brand of cowardice upon the country, if the same efforts had been made to avoid a war with a nation confessedly its equal in power and resources. The undersigned would digress here to express his confident belief, that those efforts would have been successful, and that war would not have occurred between the two countries, if the policy of Mexico had not been influenced by trans-Atlantic promptings, the authors of which would have had no regrets at seeing both Republics prostrated by the collision which they produced. These same influences for estrangement and hostility are still, and continually, at work in the whole extent of Spanish America, through every possible channel of contact, or communication; and their indirect, but poisonous, effect is visible in the sentiments of the note of Costa Rica. Having gone almost to the verge of shame in their pacific efforts, and finding still no alternative but war, the United States abandoned their defensive policy, and carried the war into the territory of Mexico; but even then the army never advanced a league without being accompanied with authority to negotiate a peace, on the most liberal terms; whenever the sword was drawn, then the olive-branch was simultaneously extended; and even at the very gates of the capital their victorious army was staid in its pursuit of the retreating enemy, and a truce extended, to give the Mexicans an opportunity

of avoiding the mortification of a triumphant entry to the city, by arranging terms of peace. But this time, conceded to peace, was occupied by them in preparing new defences, so that it was necessary to conquer again, the city, once already won, and that too in the most bloody and fatal battle of the war—truly an offering of the best blood of the army on the altar of magnanimity and peace.

The occupation of the city of Mexico was the final blow which laid the Republic prostrate, and gave the United States entire control over Government, people, and revenues; in fact it was then a conquered country entirely at the mercy of the conqueror; but how did he use his power? The usages of war entitled him to retain and hold it as a conquered country—but this right he waived. The usages of war gave a claim for remuneration, in money, or in territory, for the expenses of the war—but this right too he waived—all he demanded was what he asked at first—peace and good-neighborhood. The cession of California was neither claimed or made in consideration of the expenses of the war, nor as one of the conditions of peace; it was a purchase and sale, just as freely made, as a subsequent purchase and sale of additional territory, between the same parties. Instead of appropriating it in remuneration for the expenses of the war, as they might have done with perfect justice, and as they are represented as having done, the United States purchased it, at the cost, in direct payments and obligations assumed, of nearly thirty five millions of dollars—a price far higher than any disinterested parties would at that time have estimated its value, its wealth in gold not having then been discovered. This liberal policy was adopted toward Mexico because it was an adjoining State with which the United States desired intimate and cordial relations; but especially because it was a sister Republic.

And such is the true history, although the European press does not thus write it, of the “annexation of Texas, the invasion of Mexico, and the occupation of California”; and can they be justly characterised as “most tyrannical and scandalous deeds of vandal filibustering”? The undersigned does not hesitate to assert, and without the slightest fear of well founded contradiction, that, from the earliest page of history down to the present moment, the annals of international intercourse do not afford a parallel to the pacific, forbearing, unexacting policy which the United States have exhibited towards Mexico; and thus will the unprejudiced future historian record those events.

The Ministers of Costa Rica allude to the occurrences in Nicaragua as another scene in the same “sad drama” with “the annexation of Texas, the invasion of Mexico, and the occupation of California”, thereby charging directly the responsibility of those events upon the Government of the United States. How far that charge is just let *facts* not prejudiced opinion, and suspicion determine.

A revolution was made by a portion of the native citizens of Nicaragua



against the existing Government, and was continued, with various successes and disasters, but without a definite result, for about a year, when the revolutionary party, without the knowledge of the Government of the United States, by the offer of large grants of land, in addition to liberal pay, induced Walker, a private citizen, with others, fifty six in all (some citizens and some foreigners) to go to their assistance. After their arrival, and with their aid, the capital, Grenada, [Granada] fell into the hands of the revolutionists; and they were thus placed in position to treat with the Government party. The result of the negotiation was the restoration of peace, and the establishment of a new Government, by the consent and agreement of the two parties, in which both were represented, with President Rivas at the head, and Walker General in command of the army. After the organisation of this Government no other existed, even nominally, in the country, and the United States were obliged to continue their Diplomatic intercourse with that, or discontinue it altogether. During the whole period of its existence, the Government of the United States has acted, *uniformly* and *invariably*, upon the principle of recognising in every country with which it had Diplomatic relations whatever Government might exist, without questioning its character, or origin, and without waiting any length of time for evidence of its permanency—the only question which its decision ever involved was the question of its being, *at the time*, the Government *de facto*. Under this fixed rule the Government of the United States was not only the first to recognise the late Republic of France, but was also the first to recognise the Empire, when established upon the ruins of the Republic. Can the last prompt recognition be charged to sympathy with a movement which crushed a Government similar to itself, and established one perfectly antagonistic in all its features? or must it not rather be credited to a determination to act upon fixed principles, uninfluenced by circumstances? But, fixed and binding as the principle was upon the Government of the United States, both from policy and from early tradition, it swerved from it, *for the first time in its history*, in the case of Nicaragua. The Minister of the United States then in Nicaragua, aware of the invariable uniformity of the action of his Government on that subject, and in accordance with it, recognised at once the Government of Rivas; but *his* Government refused to confirm his act; ordered him to withdraw Diplomatic intercourse from the Rivas Government; and refused to receive the Minister which that Government sent to the United States, notwithstanding it was quietly exercising all the functions of Government, without resistance from any quarter, and without any pretence that another Government existed; and notwithstanding also, that the citizens of the United States had important interests at stake in that country, demanding the prompt attention of the Government through its Minister. In thus withdrawing the Diplomatic intercourse which consistency with its uniform action, as well as the interests of its citizens demanded, the Government of the United States was influenced

by doubts of the stability of the Government, arising from the fact that foreigners had aided in its establishment; and by feelings of courtesy toward the native sentiment of the country, if it should be found hostile to it. After about eight months of delay, for additional evidence of its stability, or for discontent to manifest itself, if it existed, the Government still continuing perfectly stable, and the people apparently perfectly acquiescent, the Government of the United States resumed through that Government the Diplomatic relations which had always existed with the country.

From these facts the enemies of the United States, if it suited their purpose, might well deduce a cold, indifferent, even hostile policy towards Walker, and the Rivas Government; but not the slightest evidence on which to found even a suspi[cion?] of sympathy, or interest. Those who can appreciate such motives will only see in them a high, scrupulous regard for international obligations, uninfluenced by either hostility, or sympathy.

But this is not all, soon after the recognition of the Rivas Government a rupture occurred, and Rivas was displaced, and Walker assumed the Presidency. The recognition, which had been tardily extended to the Rivas Government, was at once withdrawn from that of Walker and that state of things continued at the latest dates from the United States. If this series of events indicates anything more than an honest discharge of international duty towards Nicaragua—if it indicates feeling in relation to Walker and his enterprise, it is surely not that of sympathy, but of deep hostility.

But other circumstances are used to fix upon the Government of the United States the charge of complicity with his cause. It is said, and truly said, that large numbers of its citizens have gone to Nicaragua to his assistance. The Rivas Government, and after it that of Walker, continued the policy, first adopted by the revolutionists, of offering large bounties of lands and mines to foreigners who would come to the country. That system of bounties has induced some thousands of citizens and foreigners to leave the United States, and go to Nicaragua. Over this emigration the Government has no control; such is the state of personal freedom, that any man, whether native, or foreign born, may, without question or hindrance, come to the United States, reside there, or leave there, at pleasure. *Every man* within their limits may emigrate *voluntarily* to Nicaragua, or any other country, in any capacity he pleases, civil, or military, even to their entire depopulation, and the Government can offer no impediment. But if an attempt is made, either by natives or foreigners, to withdraw any portion of the population by *organising*, or *enlisting* them for foreign military service, then the Government can interpose its arm. This attempt has several times been made by the agents of Walker, and, as often as made, has been frustrated, by the direct action of the Government. So long as Great Britain, in its recent effort to raise a foreign legion, confined itself to receiving, in its own territory, those who went voluntarily from that of the United States, no objections were

interposed, because the Government had no power to interpose them; but, at the moment when the operations extended to enlistment *within* their territory, then its rights and duties changed—the Government interposed—and then, and not till then, arose the question which so seriously involved the two countries. Neither under its municipal, or international law, could the United States' Government interfere to prevent voluntary emigration, even for military purposes, either to England, or Nicaragua; but with enlistment, or organization it *had* the right to interfere, and *exercised* it, to its fullest extent, toward both.

It is charged too, and it is true, that arms and munitions of war have been sent from the United States to Nicaragua. It is also true that, during the late European war, arms, munitions of war, and a large portion of their transport ships were furnished from the United States to the Allies; but it caused no complaint, on the part of Russia, as a violation of neutrality, and for the very good reason that it was a perfectly legitimate traffic, sanctioned by every principle of international law, subject only to the hazard of the seizure of the property, as contraband of war—a traffic which no Government, with the slightest pretensions of freedom to its citizens, or subjects, ever attempted to interdict. Precisely what the Government of the United States permitted toward the Allies, it has permitted toward Walker and because it had no power to prevent it toward either; and precisely what it prohibited toward the Allies, it has prohibited toward Walker, and because it was its right, and its duty to prohibit toward both. Having no power, under its own laws, or the laws of nations, to interfere with the shipment of arms to Walker, it indicates no sympathy with his cause by *non-interference*. Gen<sup>l</sup> Castilla is supposed to have had a large number of North Americans in his army when he made the successful revolution against the Government of Echenique, in Peru; those now in revolution against his (Castilla's) Government have been furnished with arms by citizens of the United States. Do either of these facts indicate a sympathy on the part of that Government, either for or against, the Government of Castilla? or do they merely indicate freedom of person, and freedom of trade?

It is charged too that the line of steamers between New York and San Francisco, making the transit of the Isthmus through Nicaragua, was allowed to be freely used by Walker for the transportation of troops from both those points. In reply to this charge it is only necessary to state the fact, that Walker has seized their ships, confiscated their property, and annulled their charter. Is this an act toward a friend and instrument, or an enemy?

It is a fact recently made public that Walker accredited a Minister to England, with private instructions to solicit the aid of that Government in building up a strong Power in Central America, and Mexico, combined, that would stop the growth and expansion of the United States; and manifesting in those instructions the strongest hostility to that country. How can this

fact be reconciled with the charge that that Government is violating its duties and obligations in giving him aid and support?

But all these circumstances and explanations, conclusive as they are, are trivial, when compared with one great fact, which must be regarded as irresistible against the charge of the Ministers of Costa Rica, which charge, stated in plain terms, is that the Government of the United States is aiding Walker to make the conquest of Nicaragua with a view to its annexation. The language of the note clearly indicates this, and aside from this motive, none can exist for the alleged participation in his operations. The conclusive fact referred to is, that even if Walker meets with perfect success, *that success cannot ensue, in any event, to the benefit of the United States, because they have voluntarily, entirely, and forever, precluded themselves from exercising any jurisdiction, or sovereignty in the country.* This fact shown and known, and they must stand confessedly above suspicion. In the year 1850 the Government of the United States entered into a treaty with Great Britain, in which they mutually bound each other, that neither party would ever "occupy, fortify, colonize, or exercise any dominion, in any part of Central America". The language in which the treaty was written does not afford other words so strong and unequivocal with which to express the entire and permanent exclusion of both parties from the territory named. To this treaty the Government of the United States was neither coerced, or urged; but on the contrary invited, urged, and at length induced, the Government of Great Britain to join in the obligation of entire exclusion. What justice then is there in the allegation, or ground even for the suspicion, that the United States have designs upon Central America? Entertaining such designs, would they have voluntarily added, to the necessary obstacles in the way of their accomplishment, the necessity of violating a solemn treaty with Great Britain, and the consequent necessity of a war with the strongest maritime Power of the world? The supposition is impossible, and the conclusion irresistible, that in 1850 the United States had no designs upon Central America.

But hostility, in its pertinacity, may still suggest that the alleged designs have had their origin since that date. To this suggestion subsequent events connected with that treaty afford an answer, equally conclusive. After the ratification of the treaty the Government of Great Britain still continued to retain possession of, and to exercise jurisdiction over, territory in Central America; against this violation of the treaty the Government of the United States remonstrated; but Great Britain persisted, claiming that the treaty did not require them to abandon existing possessions, but only precluded them from further acquisitions. In a discussion of the subject in the United States' Senate, during the *last year*, that body was unanimous in the opinion that the construction adopted was a gross violation of the spirit and letter of the treaty; and, in consequence of that violation, one Senator proposed to

annul the treaty, and leave the United States free to take advantage of the present condition of Central America, in carrying out a system of occupation and colonization in that country. To that proposition *no other* Senator assented; and, instead of seizing upon this favorable and justifiable opportunity for relieving itself from its obligations of exclusion, the Government of the United States insisted, even to the very point of war, upon holding Great Britain, and consequently itself, firmly to those obligations. Thus in 1856, as well as in 1850, these alleged designs of the United States vanish before the light of truth—mere spectres, conjured up by the magic wand of the spirit of detraction, inspired by jealousy and hate.

The determined attitude assumed by the Government of the United States has at length induced Great Britain to yield, and to surrender, to the States of Central America, the important territories of which they had been deprived; and nearly at the same date, when the Ministers of Costa Rica pencil their libel against the Government of the United States, the Minister of Honduras was generously making acknowledgments for the assistance and supports which the same Government had rendered to his State in the recovery of its territory.

While the Government of the United States is thus standing as the champion of the principle of the inviolability of Central America—using all its constitutional powers at home—and hazarding too, a conflict, fearful in its consequences, with a foreign Power, in the maintenance of this principle—the aspersions, and the calumnies contained in the note of the Ministers of Costa Rica should have emanated from any other source sooner than from a State comprised within the limits of that same *Central America*.

Without entering upon a defence of Walker, the question very naturally and forcibly presents itself, whether the chief burthen of censure should fall upon him, or upon those citizens of Nicaragua who, taking up arms against the Government of their own country, invited aliens to come and aid them in its prostration? All large commercial cities contain a population composed, in part, of men unoccupied, restless, and adventurous; of such cities, and men the United States have their share; and if men of position, rank, and wealth, in neighboring States, bound by the sacred obligations of society and of citizenship, disregard those obligations—rebel against their Government—and invite, by large rewards, that population to their standard, can it be a matter of surprise that they, restrained by no such obligations, and enjoying no such favors of fortune, should yield to the temptation thus presented? And on which should impartial justice fix the responsibility for the mischiefs that ensue? Surely not entirely upon the latter, nor in any degree, upon the people, or the Government of the country which they have been thus induced to leave. All history is replete with teachings of the dangers of these civil feuds, and especially with warnings of the consequences of an appeal to strangers; when these feuds exist; and if the people of a State will

disregard these teachings, and warnings, they must abide the consequence which their disregard have invariably produced; and they must submit too, to the universal judgement, which has always placed the responsibility for those consequences upon the unpatriotic citizen—not upon the invited stranger.

The undersigned feels that an apology is due to His Excellency, the Minister, for the length of this communication; but the charges against his Government, contained in the note upon which he has commented, although briefly stated, apply to a long series of acts, extending through a long series of years, and he could not do justice to his own feelings, or to his Government, without referring to them and explaining them at length.

If there is one feeling, paramount, and stronger than all others, influencing the Government of the United States in its foreign intercourse, it is, that the Republics of America, South and North, should stand together as a fraternity of States, encouraging, aiding, and sustaining each other in the experiment of self-government of which this new world is the theater; for, watched, and opposed, as it is insidiously, in its development, by the Despotisms of the Old world, their united efforts will be necessary—perhaps not sufficient—for its success. Representing that feeling, and deeply impressed with the importance of those fraternal relations, the undersigned has felt impelled to the effort to counteract the impressions, and thus prevent the estrangement, which the note of the Minister of Costa Rica is calculated to produce; and in these considerations he begs His Excellency, the Minister, to find, both the motive for this communication, and the necessity for its length.

But the undersigned is unwilling to close without an expression of gratification, that His Excellency, the Minister of Exterior Relations, in his reply to the Ministers of Costa Rica <sup>1</sup> while he concurred with them in deprecating the condition of Nicaragua, refrained from uniting with them, in ascribing it to the ambition, or bad faith of the Government of the United States. Upon this friendly indication, and upon the fact that the Government of Bolivia has been ever uniform, and unchanging, in its manifestations of friendship toward the United States, the undersigned founds the confident hope that, in the proposed Congress, the influence of Bolivia may be exerted to remove any unfounded impressions, or prejudices which may exist against his Government; and to prepare the way for a cordial union of *all* the American Republics—of the South—of the Center—of the North—animated by one thought, and one feeling—that of carrying forward, to a successful issue, the experiment of the capacity of man for the continuous enjoyment of rational liberty and self-government, which has so often failed, terminating in the various stages of anarchy, licentiousness and Despotism. When the Spanish American States were battling manfully for their independence the Government of the United States interposed its arm, even then not weak, and held

<sup>1</sup> See note 1, below, this part, doc. 419, p. 60.

back other nations of Europe from going to the aid of Spain in the re-conquest of its Colonies—that act, at that critical moment, was decisive of the result, and gave the Continent to freedom. Events may again, at any time, occur, when merely the moral power of some one section may be conclusive in sustaining the Republican institutions, or the integrity of another; and the undersigned does not allow himself to doubt that Bolivia, devoted as it is to those institutions will exert its influence for the preservation of such relations, between all the Republics of America, as may permit and induce the friendly exercise of such sustaining moral power, whenever circumstances may require it.

His Excellency, the Minister, will please accept [etc.].

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*John W. Dana, United States Minister Resident in Bolivia, to William L. Marcy, Secretary of State of the United States*<sup>1</sup>

No. 33

LA PAZ, February 28, 1857.

SIR: As instructed in despatch No. 11,<sup>2</sup> and as the Department was advised by mine, No. 31,<sup>3</sup> I addressed a communication to the Government of Bolivia on the 15<sup>th</sup> of Nov. last<sup>4</sup> on the subject of the "Declaration" of the Congress of Paris in relation to maritime law, a copy of which note accompanied despatch No. 31. Although much time has passed since its date I have received no reply. In a recent No. of a newspaper of this city however, I have seen a correspondence between the Government of New Granada and that of Bolivia on that subject, in which the Minister of the former Government, after stating the four principles of the "Declaration" and noticing some of the objections which have been made to the first, expresses its assent to them all, and then remarks that the object of his communication is not to ask the assent of the Government of Bolivia to the "Declaration", but to invite it to give still greater weight to what humanity and civilization demand by uniting its vote with that of New Granada in favor of making the freedom of the seas in their innocent use a principle without limitation, as expressed in the few words—the *inviolability of inoffensive property*.

"It would seem to be honorable and useful for the Spanish American Republics to adopt in concert and in a solemn manner, as their doctrine and law of maritime rights in time of war, the above enunciated principle, applying it to all the property of non-combatant citizens or subjects of the enemy, by the way of completing the four points of the "Declaration" of Paris with regard to all the nations which admit them. The undersigned, Minister of Exterior Relations, has been directed to present these indications to the consideration of the Government of Bolivia and to inform it that his Government will, on the next assembling of the Legislative Body, present them as the basis of a law upon the subject."

<sup>1</sup> Despatches, Bolivia, vol. 1.

<sup>3</sup> See above, this part, doc. 417.

<sup>2</sup> See note 1, above, this part, doc. 417, p. 48.

<sup>4</sup> See above, this part, doc. 416.

The Minister of Exterior Relations of Bolivia in reply makes some general remarks indicating an approval of the principles of the "Declaration" of Paris, and closes by expressing the direct assent of his Government to the proposal of New Granada,—"*the inviolability of inoffensive property*", with the promise to submit the subject to the consideration of the next Congress. The note from the Government of New Granada is dated Sept. 20, 1856, and the reply Jany. 23, 1857. This proposed amendment of the "Declaration" of Paris goes beyond that suggested by the Government of the United States, inasmuch as it renders universal and obligatory the principle, which of late years has to a certain extent been regarded in practice, of respecting private property on the land. It appears from a part of the New Granada note, not copied above, that that Government has incorporated this principle of respect for private property both on sea and land to its fullest extent in treaties with the neighboring States, even providing for the non-interruption of commerce between them in the event of war; one of these treaties dates as far back as 1842. This correspondence throws no light upon the question of what would be the treatment of our privateers in their respective ports in the event of the non-amendment and our ultimate dissent from the "Declaration."

There has also been published here recently a correspondence between the Government of Costa Rica and that of Bolivia in which the Minister of the former alludes in the most offensive terms to the United States, in the annexation of Texas, the invasion of Mexico, and the occupation of California—representing the events now occurring in Nicaragua as but another scene in the same sad drama, and inviting Bolivia, with all the other Spanish American States, to a general Congress for the considerations of these outrages. The reply of the Government of Bolivia deprecates the condition of Nicaragua and assents to the proposition for a Congress, but without indulging in the offensive language towards the Government of the United States. The note of the Ministers of Costa Rica indicates that the invitation has been extended to all the Spanish American States—probably in the same offensive terms; but as it possibly may not have been published in other countries as here, and therefore may not have reached the Department I transmit herewith a translation of extracts marked *A.* and of Extracts from the reply of Bolivia marked *B.*<sup>1</sup> Considering the official origin of these calumnies against

<sup>1</sup> The extracts of the correspondence referred to are as follows:

*John W. Dana, United States Minister Resident in Bolivia, to señor don Carlos Bridoux*

LA PAZ, November 3, 1855.

MY DEAR SIR: Having returned from out of town but a short time before the departure of the post, I must reply in great haste to your esteemed favor of the 26<sup>th</sup> ult., covering the project for navigation of the rivers of Bolivia.

I regard the proposal as objectionable on many accounts.

1<sup>st</sup> The Co. obligate themselves only, to open to navigation, and to navigate the Beni and its tributaries, virtually leaving the Mamore to their subsequent pleasure. The chief obstructions on the Beni are the falls at its mouth; while on the Mamore there are



Footnote 1, page 60—*Continued*

a series of obstructions, extending from its point of junction with the Beni a long distance upward. In fact the obstructions in the Mamore, which they avoid, are more serious than those in the Madeira before reaching the Beni, and in the Beni combined, which they undertake. And these are left for Bolivia to grapple with, after having parted with a portion of its lands—an indefinite amount of its revenues—and the right even to reach them through the Madeira. They select the route which would least benefit Bolivia, and be most profitable to themselves, because costing the least to prepare it, and leave the great route which Bolivia requires to be prepared, if at all, by Bolivian resources already rendered inadequate by the large concessions to them. Perhaps it may be answered that, having reached the junction of the Beni and the Mamore, they would voluntarily remove the obstructions, and extend their operations up the latter river, for the purpose of commanding its productions and commerce. But it should be considered, that, having reached the mouth of the Mamore; and having the exclusive use of the waters below; they have secured the control of its productions and commerce, just as fully as if they removed the obstructions, and extended their line to the sources of that river. They have no other outlet and must come to them, and it would be to them a matter of indifference whether they came by cheap and easy steam transportation, or by the present expensive modes; but to Bolivia it is a question of vital interest. Bolivia never should grant, for an hour, the exclusive navigation of the Madeira, unless by doing so, it secures *positively* the navigation of the Mamore and the Beni, especially of the former; because if it grants that exclusive navigation, merely to secure the navigation of the one, it virtually closes the door, at the same time, against the navigation of the other, during the whole term of that concession—that is, if it grants the exclusive navigation of the Madeira and the Beni for 99 years, without positively stipulating for the navigation of the Mamore, the Mamore must continue for that 99 years without steam communication, because those who hold the grant will not have sufficient motive to improve it, and no other Co. could come through the Madeira to do so.

2<sup>d</sup> The grant of the exclusive use of the rivers to any company is objectionable, as, during the continuance of the grant, it gives, to a certain extent, the control of the productions and of the markets of the country to that Co., by destroying competition. It may however be necessary, in the circumstances of Bolivia, to make such a grant as a remuneration for the expense of rendering its rivers navigable: but 99 years is a term altogether too long, even if that was the only remuneration for making navigable both the Beni and the Mamore. It is a question of vast importance to Bolivia whether it will make itself subject to that monopoly and control for 20 or 30 years, or for 99 years.

3<sup>d</sup> The amount of land which the Co. would be able to secure is vague and uncertain, because wherever they saw fit to make a road; there they would be entitled to land; and they would see fit to make a road wherever they found land which they desired.

4<sup>th</sup> The Co. entitle themselves to one half the duties not only on the imports and exports through the Beni, but also on those through the Mamore, even though they do not expend a dollar to improve its navigation or facilitate its transportation—and is the Government prepared to part at once for 99 years, with half the revenues to be derived from duties on the goods which may be imported, and on the productions which may be exported through the Amazon?—within one fourth that time a large proportion of the imports and exports of the country will probably be by that route: and thus the Government may find itself in the humiliating and embarrassing position of sharing its principal revenues with a foreign Co.

5<sup>th</sup> The concessions required, in exclusive navigation, land, and duties, are altogether beyond the value of the obligations assumed. I have no doubt but concessions of half their value, and not half so burthensome to Bolivia, would induce a Co. in the United States to assume the obligations which they propose. You know that when we conferred this subject, at a former time, we thought that 21 years of exclusive use of the rivers, connected with grants of land, might be sufficient.

6<sup>th</sup> They do not *obligate* themselves to navigate the tributaries of La Plata, but require Bolivia to give them the preference in any negotiation on that subject—this gives them entire control over those waters, and renders the Government subject to any terms which they may impose, for no other Co. would incur the necessary expense and trouble of investigating the subject and making estimates and proposals, which would only be made the basis of a contract with that Co.

7<sup>th</sup> The proposal excludes Bolivians from any interest, control, or direct profit in the organization; where as the Co. should be composed in part of Bolivians, and Bolivians, or the Government should retain a joint control or influence over its acts.

Footnote 1, page 60—*Continued*

In fact it seems to me that a just regard for the interests of Bolivia as a whole, and especially of that portion of it drained by the Mamore, must induce you to advise the rejection of these proposals. I feel assured that if the Government will send you to the United States, with proposals making half the concession which these require, you will succeed in organizing a Co. which will assume the obligations desired. Or if they do not wish to make proposals, let them send, as I once before suggested, to the United States for an engineer, to make an accurate estimate of the cost of the improvements necessary, and then you go to the United States, with his report, and get proposals from a Co. there. You may depend upon it that this subject of improving and navigating rapid, shoal, and obstructed rivers and of opening new countries, is better understood, and can be accomplished more advantageously and less expensively, by people of the United States than by any other.

I am well aware that there is a feeling in Bolivia (and it may influence the Government) against the immigration from the United States. But immigration does not necessarily follow from a mere contract to improve and navigate its rivers. We want no emigration from the United States; our policy is to retain and employ our population; but we would gladly have the benefit of the concessions which the Government might make for the improvement and navigation of its rivers, and the commerce resulting therefrom. As to immigration and colonization, even upon the lands conceded to a Co.—of those matters the Government might retain entire control.

Again I say let the Government reject or suspend these proposals, and send you to the United States, either before or after the report of an engineer, to carry or to obtain proposals, and I assure you that Bolivia will be largely the gainer by the operation.

I have been under the necessity of writing in so great haste that I should have no hope of having made myself understood, were it not for the fact of your familiarity with the subject, and for the additional fact, which affords me much pleasure, that your views so nearly correspond with those which I have so imperfectly expressed.

Will you have the goodness to give me the conclusions at which you finally arrive upon this subject; and if (as I presume you will) you advise the Government to reject these proposals, I should be happy to have your views in relation to further movements.

With high respect [etc.].

*A. Note from the Ministers of Costa Rica to Juan de la Cruz Benavente, Minister of Foreign Affairs of Bolivia.*

[EXTRACTS. TRANSLATION]

LIMA, December 13, 1856.

SIR: The sad events of which the Republic of Nicaragua has been the theatre, and which for more than a year have occupied the attention of all civilized Governments, have involved the destinies of all the States of Central America united by strong bonds to the people of Nicaragua who are the spoils of foreign adventurers.

It is a long time since the first scenes of the sad drama now being represented in Nicaragua first developed themselves, in the annexation of Texas, in the invasion of Mexico, and in the occupation of California; from that time, to all Americans who have a Spanish origin, these atrocious acts should be apparent, which, infringing every principle of the various rights of man and of society, have consummated the most tyrannical and scandalous deeds of vandal filibustering. Such usurpation ought to produce, as in fact it has produced, the most grievous impression upon the minds of all the Governments of the new world of Columbus; and to this impression has followed the most just indignation against the invaders, and the most noble enthusiasm in the defense of the independence and liberty of all the nations which people the Spanish American continent. This enthusiasm so general and uniform has united all the people of Columbus in one feeling and one thought, the thought of union and the feeling of fraternity to represent that union in a positive manner.

People who have a common origin, who profess the same religion, who have the same language and customs, and finally who are united by the same social interests, it is natural that they associate themselves, and in hours so solemn as the present, represent that association in a grand Congress, once already realized at the suggestion of the illustrious Liberator of the Americas.

The undersigned Ministers, fully authorized by the Government of Costa Rica to address themselves in its name to all the Governments of the Spanish American Repub-

my Government I have felt that it was improper for me to remain silent under their publication, and accordingly addressed yesterday a note to the Minister of Exterior Relations on the subject.<sup>1</sup> But as the charges applied to a long series of important events, to which I could only reply by giving their actual history, my communication consequently occupied much space—so much that I have not time to furnish a copy for the Department before the departure of the steamer post, to day. By the next steamer I will endeavor to comply with that duty.

The comment here upon this correspondence in well informed circles and of some who are near the Government is, (as the Costa Rica note clearly indicates) that the intention is to organise an alliance of the Spanish American States on the basis of hostility to the United States; and that an effort will be made in the Congress to induce Spain to relinquish her rights in Cuba, making it a free State, under guarantees against its annexation to the United States. Probably European influences are at work in the organization of this Congress, with a view to strengthen the prejudices and ill-feeling which unfortunately are already so deep rooted, and under these influences

Footnote 1, page 60—*Continued*

lics, have the honor to ask your attention for the purpose of realizing the unanimous wish of all the Spanish Americas.

Here follows a discussion in relation to the proper place for the meeting of the proposed Congress, and the note closes with a proposal that it meet at the Capital of Costa Rica in the month of May 1857.

*B. Note from Juan de la Cruz Benavente, Minister of Foreign Affairs of Bolivia, in reply to the above*

[EXTRACTS. TRANSLATION]

LIMA, January 23, 1857.

SIR: I have had the honor to communicate &ct. . . . My Government has seen with sufficient indignation that portion of it (the note above) which refers to the scandalous vandalism of the North American filibusters in Nicaragua, and also with much pleasure that which invites it to give life to the sentiment of the Liberator by a union of an American Congress in the capital of Costa Rica.

My Government has had many occasions, so difficult has it always been to bring together the South American States, to observe that species of ill agreed isolation which deprives them of the advantage of presenting at a given moment the power of common action, which would be as invincible as are the unquestioned principles upon which they have based their political independence.

South America, in a great measure occupied in solving those frequent internal questions which are a necessary consequence of the transition from a colonial to a democratic state, appears not only to be the victim of the troubles which the discordant ambition of some of its sons daily occasion, but in the weakness in which some of the States continue, to the mournful benefit of the political parties which disturb the public peace, has come at length to be, in some sections, the object of foreign ambition. If it was necessary to exhibit a proof of this the Ministers to whom I address myself have written it already—it consists in the actual condition of Nicaragua.

The Government of Bolivia laments with all sincerity a condition so defective—it considers it not only a high duty but also an honor to contribute to its termination—and as the most effectual means of accomplishing it are combined in a union of an American Congress which may put an end to the present difficulties, it accepts the invitation which it has received from the Ministers in the name of their illustrious Government to meet in the capital of Costa Rica. . . .

<sup>1</sup> See above, this part, doc. 418.

it is not impossible that the suggestion about Cuba may have some foundation.

With high respect [etc.].

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*John W. Dana, United States Minister Resident in Bolivia, to Lewis Cass, Secretary of State of the United States*<sup>1</sup>

No. 34

LA PAZ, March 13, 1857.

SIR: With my former despatch (No 33)<sup>2</sup> I forwarded translations of portions of a recent correspondence between the Governments of Costa Rica and Bolivia,<sup>3</sup> and advised the Department that, with my next, I would transmit a copy of my reply to the offensive allusions to the Government of the United States contained in the Costa Rica note. That copy, marked A, accompanies this despatch, but for convenience under a separate cover.<sup>4</sup> I am obliged here to write entirely from recollection of past events, and from newspaper accounts of those which are now occurring; but I believe that the statements contained in my reply are in the main correct, and trust that the views therein expressed may meet the approval of my Government.

Since the date of that communication, I learn that this Government has received a note from that of New Granada on the subject of Central American affairs, and replied to it by the last steamer. This correspondence has not been published, but a friend, who has seen the reply, informs me, that he judges from it, that the note of New Granada is similar in its character to that of Costa Rica, although it does not refer to the proposed Congress of Spanish American Republics. Probably the New Granada note was dated before the invitation from Costa Rica was received.

I see from an article, copied by the papers of this City from a Chili paper, that the Ministers of Costa Rica are there, conferring with that Government in relation to Central American affairs. The writer of the article expresses ignorance of what the Government may do, but makes an earnest appeal to the people for a general subscription in aid of the Central, against the North-Americans; and urges a confederacy of the Spanish American States for purposes of protection against aggrission from the North.

A late No. of the Government paper of this City contains an article comparing the United States to Rome of old, conqering, annexing, and absorbing, all within their reach; and recommending entire non-intercourse, as the only safe policy for the weaker States. This is precisely the comparison, and the reason, which the late President, Belzu, gave to a friend, for refusing to make a commercial treaty with the United States; though to me, of course, the Government gave other reasons.

<sup>1</sup> Despatches, Bolivia, vol. 1.

<sup>2</sup> Above, this part, doc. 419.

<sup>3</sup> See note 1, above, this part, doc. 419, p. 60.

<sup>4</sup> Above, this part, doc. 418.

The utmost courtesy and apparent good feeling are extended to me personally by the Government and people here, and even frankness of intercourse exists; but that very frankness gives me posession [possession?] of their real feelings and opinions of my country, and those are, that its aggressive policy embraces the whole continent, and that no part of it is, at any moment, safe from its ambitious designs—a denial of this policy is always received with astonishment and incredulity. They seem as firmly impressed, as were the ancient Astec, with the idea of the advent of a superior race, but who they are, and whence they come, is not, as with them, a mystery.

The feeling here, is, I believe, the general feeling, with some few intelligent exceptions, throughout Spanish America. And this jealousy and apprehension, on the part of another, and a weaker race, is not surprising when we consider the immense and valuable territories already obtained by the stronger from the weaker—the war with, and the prostration of Mexico by our arms—the long continued efforts to acquire Cuba—the troubles in New-Granada—and lastly, the present occurrences in Nicaragua—all events which, properly understood, give no foundation for these jealousies; but received and viewed as they are through the medium and coloring of the European press, (their only source of information in relation to us) they are naturally, and even justly regarded as perfect outrages upon the rights of States. The note of Costa Rica<sup>1</sup> expresses the general sentiment—we are looked upon as aggressors and oppressors, instead of being regarded, as we ought, as guardians and protectors. This feeling has deprived us entirely of the political influence which similarity of institutions would naturally give us—has thrown obstacles in the way of the extension of our enterprise and commerce—and now, under the furor of hate which Nicaraguan events inspire, threatens a general alliance based exclusively upon hostility to us, our interests and designs, whether real or imaginary.

I believe that the existence of this state of things to a limited extent, has been understood at home for sometime, and that the improvement of our relations with the South American States has been an object of solicitude with the Government; but notwithstanding its efforts, an unfavorable combination of circumstances, and European intrigues, have from day to day rendered matters worse and worse; and the question seriously arises, is there no remedy which we can interpose? In reply to, and in connection with this question, I propose to submit certain views, some of a special, others of a more general nature, in relation to South America; but as their presentation will require more time than is left me before the departure of the steam-post I reserve them for another despatch.

With high respect [etc.].

<sup>1</sup> See above, this part, note 1, doc. 419, p. 60.

*John W. Dana, United States Minister Resident in Bolivia, to Lewis Cass, Secretary of State of the United States*<sup>1</sup>

No. 35

LA PAZ, March 13, 1857.

SIR: Since closing the accompanying despatch No. 34<sup>2</sup> I have been informed, from a source upon which I can entirely rely, that the Government here received yesterday a communication from that of Chili, expressing its acceptance of the proposal for a Congress of the Spanish American Republics,<sup>3</sup> and its determination to exert all its powers in the expulsion of the North Americans from Nicaragua; and urging the Government of Bolivia to a like acceptance, and a like effort. Probably these movements may be communicated to the Department much earlier from other Legations less distant than this; but as it is possible that the same publicity may not be given to them elsewhere as here I prefer to take the chance of giving information long since received, than that of the Government remaining uninformed upon the subject.

It is probable that the acceptance by Bolivia, and by Chili, undoubtedly acting in concert with Peru, of the proposal for a Congress will be conclusive in favor of its assembling; and it is probable too that the efforts of the Spanish American States, thus combined, will be conclusive of the expulsion of Walker and his associates from Nicaragua, if he is sustained alone by individual effort.

The Department will please permit the suggestion, from a point of view entirely Spanish American, that the Government of the United States should, by some movement, act, or declaration, place itself, before hand, above all suspicion of sympathy or complicity with his cause, or take measures openly to sustain it that it should relieve itself, in advance, from the future discredit of an unsuccessful forray upon a neighboring State, or boldly give it success and character as a conquest. Without some previous act on our part to remove the impression, the expulsion of Walker by the proposed alliance would be ever regarded as a defeat of our attempted aggression, and a triumph over our policy of extension—a defeat, and a triumph, which would only encourage to future hostile movements. That the contest is regarded as in reality with the United States, or against United States intrigues, and not merely with an unsupported North American filibuster, is evinced by the note of invitation,<sup>4</sup> and by the assembling of the Congress; such an imposing national movement against unaided individual effort would have been regarded by the parties as beneath their dignity, and the measures of protection to Nicaragua would have assumed some other form. The actual idea upon which this demonstration is based is, that the United

<sup>1</sup> Despatches, Bolivia, vol. I.

<sup>2</sup> Above, this part, doc. 420.

<sup>3</sup> See note I, above, this part, doc. 419, p. 60.

<sup>4</sup> See note I, above, this part, doc. 419, p. 60.

States is the *real* party in interest in Walker's success; but, that not having publicly committed themselves to his cause, they will forego their intentions, at least for the present, when they see the determination of all Spanish America to resist him. We may feel entirely conscious of having no connexion with Walker, or sympathy with his cause; but however conscious *we* may be the *opposite* is as generally, and as fully believed as if we had officially made public that connexion and sympathy; and it ever will be believed, unless we produce a different impression before his cause becomes a public failure. This might perhaps be done by a communication to the Government of Costa Rica, in reply to the allegations against the Government of the United States contained in its note of invitation, (and charges of so grave a nature would seem of themselves to demand a rebuke, or explanation, or both combined), stating our precise position and intentions towards Nicaragua, and requesting that it be layed before the Congress, as the note containing those allegations formed the basis for its meeting. The Costa Rica note, with the Bolivian reply, was published here in the official paper, and the translation of extracts which accompanied my despatch No. 33<sup>1</sup> can be relied upon as accurate, if the note entire has not been received from any other source.<sup>2</sup> Such a communication would at least indicate a respect for the opinions of the States represented, and might thus have a good effect upon our Spanish American relations generally; and besides, if this alliance is to occupy Nicaragua some understanding with, or notice to, them in relation to our transit rights would be necessary, unless a collision is regarded as desirable. As I remarked before, these suggestions are exclusively from a Spanish American standpoint, and they may be all absurd when the subject is viewed from the meridian of Washington.

With high respect [etc.].

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*John W. Dana, United States Minister Resident in Bolivia, to Lewis Cass, Secretary of State of the United States*<sup>3</sup>

No. 36

LA PAZ, March 25, 1857.

SIR: In despatch No. 34<sup>4</sup> I referred to the unfavorable relations existing between us and the Spanish American States arising from their apprehensions of our aggressions, and proposed to submit in a subsequent despatch certain views, some of a special, others of a more general nature, connected with the subject of a remedy for this evil. But before proceeding I must remark that it is with the utmost delicacy I attempt suggestions to a Government over

<sup>1</sup> Above, this part, doc. 419.

<sup>2</sup> The translation of extracts from the notes mentioned is in note 1, above, this part, doc. 419, p. 60.

<sup>3</sup> Despatches, Bolivia, vol. 1.

<sup>4</sup> Above, this part, doc. 421.

which presides so much of wisdom and political experience, and beg, that it be pardoned to the deep interest in South American affairs as connected with our own which has been excited by several years of residence and observation here, in the very heart of the continent.

I assume, in the first place, that the United States have no intention of extending their possessions further in Spanish America, of course excepting the islands of the Gulf. This assumption or opinion seems well sustained by the fact, which I believe exists, that in our treaty of peace with Mexico we voluntarily bound ourselves not to receive into the Union any of its revolting States—by the fact that we bound ourselves with Great Britain never to exercise any dominion in any part of Central America—and by the fact that when that Power violated the treaty, and by its construction rendered it, in its operation upon itself, a nullity, we refrained from annulling it on our part, and from making ourselves free to take advantage of the present condition of things in pursuing a system of occupation and colonization in that country. Having thus deprived ourselves of the right, voluntarily, of acquiring adjacent territory in Mexico, and territory in Central America so important in a commercial view, of course we can have no wish for that which is more distant, and which affords none of the facilities for transit which the Isthmus offers.

I assume too, that it is the fixed policy of the United States to enforce the Monroe doctrine in relation to European colonization on this continent. This assumption rests upon the fact that this doctrine has been announced by Pres. Monroe, and various of his successors, and when announced has elicited general approval, with but slight indications of opposition—upon the fact that in the recent correspondence with Great Britain it was urged as a ground for her exclusion from Central America—and upon the fact that it received the general, though not unanimous, approval of the late Democratic Convention, and that too, without meeting the unfavorable comment which other principles there announced called forth.

Regarding then, for the reasons above stated, the non-extension of our territory toward the South upon the Continent as the fixed policy of the United States, and the maintenance of the Monroe doctrine a policy equally fixed, I propose that the two principles be made the basis of our relations with the Spanish American States—that is, that we enter with them into treaty obligations, that the one will never relinquish any portion of territory to European Powers, and that the other will aid in resisting any European acquisition; incorporating, at the same time, a declaration in relation to our own intentions, so unequivocal as will allay all apprehensions of our own aggressions.

I am aware that the objection at once suggests itself, that this would be a violation of the rule, which has so long, and so safely guided us, of avoiding entangling alliances with other States. If this objection is valid it should,



perhaps, be conclusive against the proposal; but, while we regard this ancient rule of sacred origin, it is necessary to guard that, in our reverence for it, we do not run into the opposite extreme, perhaps equally dangerous, of a cold, indifferent policy, calculated to exclude us from the circle of the sympathies of the world. Whether it is because we have already gone to that extreme, or whether it is the result of accidental circumstances, it cannot be doubted that, from *some* cause, we now occupy that isolated position. Probably there is not a Government, strong or weak, on the face of the Globe but what looks upon us with hatred; Russia perhaps, should be made an exception, but if so its sympathy is probably stimulated by English hostility.

But is the proposed measure, in reality, a violation of the rule in question? If we, having no policy of our own connected with the subject, at the solicitation of one of the South American States, should consent to guaranty the integrity of its territory against European aggression, it would, undoubtedly, be a gross violation of this rule: but *having* a policy of our own, having determined to resist European colonization, the entering into the mutual obligations proposed is not a lending of ourselves to their purposes, is not an alliance entangling us with their interests, but, instead, it is only securing their aid and co-operation, in what we had *predetermined*, even alone to do. The assuming of such obligations, under such circumstances, is not then a violation of the rule in question. The Clayton and Bulwer treaty is clearly, to the same extent, obnoxious to the same objection, in addition to the grave one, that its guarantees of protection are a gratuitous interference with States not parties to the treaty. By giving the guarantee of territorial integrity directly to the parties interested, we avoid the last objection, and manifest a just regard for their honor and dignity—points in relation to which these small States are exceedingly sensitive.

But, whatever may be the objections or their force, it cannot be doubted that the measure would perfectly accomplish the object proposed—it would snatch from their hands, at once, this vast field of European intrigue against us, and remove one great motive for the misrepresentations of their press—it would forever put at rest all apprehensions here, of *our* aggressive policy, and place us in the position of protectors against the aggressions of others—in fine it would establish a community of interests from which must inevitably, and spontaneously spring the most cordial and intimate social, commercial, and political relations. Such a result is so obvious, that it is unnecessary to dwell upon it; and the only question is, whether its benefits are commensurate with the means proposed for its attainment.

Having considered the objections to, and the specific object of, the measure proposed, I will now pass to its more general, and perhaps even more important bearings. The Monroe doctrine has been announced so often, and with so much of authority, that, as we now stand, we cannot, with honor, recede from it, if occasion calls for its enforcement; but still it

has never received that general endorsement of the various branches of the Government, which is necessary to *carry it abroad* as the fixed policy of the country. In disregard of it, Great Britain has been uniformly extending its encroachments in Central America, and when we presented it for the purpose of checking them, we were told that it was the mere dictum of one man. It fails to exercise upon other Governments the influence of a settled policy, leaving them free to aggress, while it binds our own to resist their aggressions—a position upon the question precisely calculated, more than any other, to involve us in war. Our only safety is, to retrace our steps, or to advance. Great Britain, and it is of her future colonization in South America that I shall have occasion more particularly to speak, while we furnish the food for her spindles, and so much of the food for her labour; while we consume annually 150 millions in value of the productions of her labour—while this state of things continues, Great Britain is under bonds to us to keep the peace, the forfeiture of which is bankruptcy, without remedy at law or diplomacy. So long as these relations continue that Government will never adopt, from the first, a system of measures, with the knowledge that they will result in a collision with us; but, in the absence of that knowledge, it may adopt and pursue a given policy to a point, where if resisted, English doggedness would fight, even though ruin was the certain consequence. France has the same motives for peace with us, though in a much more limited degree, and, with that limitation upon her motives, she would shrink from a policy necessarily leading to war with us; but French pride and military enthusiasm would not permit her to recede from an adopted policy, when found that it must produce that result. Our danger then is, not that we have asserted the Monroe doctrine—it is our only protection against European intrigues upon this continent—but that we have failed to assert it in that positive unequivocal manner, which is necessary to give it an influence over European councils. If plainly asserted, and understood in advance, so as to give direction to those councils, its objects would be peaceably attained; the only danger is in our present half-way position.

If it is thus necessary more solemnly to re-assert it, what is the most effective, and unobjectionable manner? One mode would be, the united declaration of the Executive and Legislative branches of the Government; but this might be regarded as, and have the appearance of, an offensive threat to the World. Another mode is, the measure which I have proposed, of binding ourselves to each of the American States to aid them in resisting European colonization. These obligations we have a right to assume, and could assume them without giving offence in any quarter; and when assumed, there could be doubt or question of our intentions—even less than under the joint declaration above suggested. And, if it should ever become necessary to resist, by force, European colonization, our moral position would be much stronger, if doing so in compliance with treaty obligations to neighboring

States, than in maintaining a theory or principle of our own, which all the rest of the World ignored. And again, if the joint declaration was made, binding us, with the utmost solemnity, to interposition, it might occur that States interested would withhold their co-operation, and that without their co-operation interposition would be impossible, or if attempted, a ridiculous intermeddling with the affairs of others. In fact, if unconditionally bound to intervention, without having secured this co-operation, we are liable, at any moment, to be thrown into the most ludicrous and unjustifiable positions. These considerations tend to the conclusion, that the measure proposed is the most effective and unobjectionable mode of announcing to the world our determination to maintain the Monroe doctrine, and perhaps absolutely necessary to our safety in making that announcement.

But the question arises, and should be considered; is there danger of further European attempts at colonization on this continent, the great points of transit between the two oceans having been secured against it? In answering this question, it will be necessary to examine the natural resources and productive capabilities of South America; as adapted to the wants of Europe, especially of England. And here I beg pardon, in advance, for anticipated length, for I enter upon an extended field, and upon a subject which I regard as of the most vital importance to the United States. During the present or the coming year there is no danger to be apprehended, probably none during the continuance of the present Administration, and perhaps none during the lifetime of those who are now interested in the direction of our public affairs; but I believe that whenever, be it sooner or later, the heart of this continent is exposed to foreign approach and inspection, whenever it is made accessible, by the opening of its rivers to navigation, it will present to some of the European Nations, by meeting their peculiar wants, a stronger temptation to aggression, than was originally presented to the avarice of Spain, by the richness of the mines. It is well known, how indefatigably England has, for years, devoted research, labour, and capital to the object of obtaining a supply of cotton from other sources, and of thus diminishing her dependence upon the United States; and that in all these efforts she has, hitherto, signally failed, having been unable to combine, in any one locality, the requisites of soil, climate, labour, and facilities for transportation. While this object remains unattained, with all her outward arrogance, she inwardly feels herself as but a growing dependency of the United States; and when an opportunity offers for the realization of this necessity to her independent existence, scarcely any obstacle, however great, will be sufficient to restrain her. The desires and efforts of France, though in a less degree, are in the same direction—the production of the raw material for her manufactures of cotton; and every nation of Europe is daily looking, with more and more interest, for independent sources of supply of that article. And if they succeed in depriving us of the commercial control which our present

monopoly of cotton gives us, and with it of the great basis of prosperity to our mercantile marine, we may find ourselves hereafter, as entirely excluded from the circle of commercial sympathies, as we now are from political.

Whenever Brazil shall remove the chains which she has extended across the mouth of the Amazon, or whenever the spirit of progress shall break them, and the one, or the other event must soon occur, there will be rendered accessible an immense country, hitherto closed, traversed in every direction with navigable rivers, with a soil unsurpassed in richness, and, though tropical, affording every variety of climate, from extreme heat, to temperate cold. At various points, in all parts of this country, the Jesuits, early, established missions, and introduced the culture of the cotton; on their expulsion the missions and the cultivation were abandoned, but, so adapted are the soil and climate to its production, that it still grows wild in the utmost luxuriance. In addition to the ordinary varieties, I have seen a yellow cotton similar to the Nankin, but much richer in shade, the fabric from which has a lustre like silk. There can be no doubt of the perfect adaptation of both soil and climate to this cultivation; the rivers afford at hand facilities for transportation; and the only remaining element of successful production is labour. Although a tropical region, it possesses, as I have before remarked, every variety of climate, induced by the various accidents of elevation, of proximity and exposure to the perpetual snows of the Cordillaras [Cordilleras], and of the occurrence of uniform currents of air which the peculiar conformation of the country, in many parts, produces. Such is the variety of climate, that probably the labourer from any part of the world could find here a home adapted, in this respect, or not doing violence, to his early habits. But I believe the general impression, that the Indian of South America is not a good labourer, is not well founded; or if well founded, the fact is not the result of natural characteristics of the man, but of his condition. Attached to the soil, but free from the obligation to constant labour which slavery imposes, deprived of the sure support and protection which slavery concedes, and deprived, too, of the hope of improving his condition, which inspires the free labourer of other countries—half slave, half freeman, he suffers all the evils of both conditions, and enjoys none of the benefits of either—and still he is a tolerably diligent and effective labourer; under the more favorable circumstances of free contract and direct pay he would be far more so. I am informed, by persons who have been engaged in the construction of most of the railways in South America, that they have employed the African, the Chinaman, the Irishman and the Indian, and that of all these, the Indian, especially the Chili Indian, was the best labourer. Therefore, the necessary labour for the production of cotton could be abundantly supplied by an emigration from Europe, to a climate adapted to the early habits of the emigrant, or by the native labourer, or both combined; and this labour would require for food but little more than the almost spontaneous productions of the country.

We find then here, in perfect combination, the four requisite elements of the profitable production of cotton—climate, soil, labour, and facilities for transportation—the precise condition which meets the necessities of the independent existence of Great Britain, and the increasing wants of universal Europe.

The exclusive policy of Brazil has, up to this time, protected this desirable region from European aggression, and, in a great degree, from European practical knowledge. But when this exclusive policy yields, as it soon must, to the irresistible demands of commerce, what are the barriers to prevent the realization of this European necessity and want, by the occupation, colonization, and cultivation of this country? It may be said that there is no vacant territory open to colonization—that it is all, already, under the jurisdiction of existing, recognized States. But on examination it will be found, that the physical features of the country are no better adapted to meet British commercial and political wants, than is the peculiarity of the occupancy and title to the country adapted to a rich display of British Diplomacy, in all its varied shades, from the humble, canting, pious policy of philanthropic protection, up to the bolder, nobler strokes of Buchaneering robbery. The whole territory drained by the Amazon and all its tributaries, excluding a portion of that within the limits of Brazil, and excluding that upon the slopes and in the gorges of the Cordillaras, with a few unimportant exceptions, is occupied by tribes of Indians who recognise no obligations to the Governments within whose limits the maps place their territory; and over whom those respective Governments neither exercise, or attempt jurisdiction. The same is true of the fine cotton country, further to the south, drained by the Paraguay and its tributaries, above Asuncion; a region equally important, but hitherto shut out from the world by the former exclusive policy of Rosas of Buenos Ayres, and the present similar policy of the Government of Paraguay. It is true that the maps assign all this territory to existing States: but it is also true that no two States agree in relation to their respective limits. The Government of Brazil has, I believe, an open question of boundary and territory with every adjoining State; and I know of no State that has with its neighbor its limits defined. The large territory between the Bermejo and the Paraguay, south of the south line of Bolivia, as given by the maps, is claimed by the Argentine Republic, Paraguay and Bolivia. On this territory a French colony has recently been established by Paraguay, with a view to strengthening her title, by actual possession; but it is said that the Government has not complied with the conditions of settlement, and that the colonists have applied to the Government of France for redress. Further up the river *Paraguay* a Company, composed of British subjects, and citizens of Hamburg, have a grant of a large territory from the Government of Bolivia, but they have as yet been excluded from its occupancy by the restrictions upon the navigation of the river. A portion of the Depart-

ment of Corrientes, below, is claimed by the Argentine Republic, and by *Paraguay*. The territory west of the river Madera [Madeira], (a tributary of the Amazon) which the maps assign to Peru, is claimed by Peru, and Bolivia. And these instances only afford an illustration of the unsettled condition of things.

These conflicts, not of jurisdiction, but of right to future jurisdiction, arise from the vagueness and uncertainty of their titles: neither party can show a clear historical one against the other, and consequently they would all fail in establishing one against actual possession obtained by exterior intruders. Such actual possession might, perhaps, be justly regarded as an equitable bar against these vague titles, weakened, as they are, by the absence of all acts of jurisdiction; at least, it would afford a more plausible title than those upon which most of the British exterior possessions rest. But, in addition to the facilities for the creation of outside titles, which this uncertainty and conflict afford, there is a most emphatic application to the state of facts here exhibited, in the half-expressed denial, by the Earl of Clarendon, of the ancient rule, in relation to Indian rights, which has governed all Powers in the settlement of America, and the half-expressed assertion, in its stead, of the Indian right of jurisdiction over territories which they occupy. So also the united denial, by the same high authority, of the legitimate descent of territorial rights, from the Parent Country to the revolted independent Colony, has a most marked application to the same subject. The recent Attorneyship, too, which the Government of England has accepted, for the collection of the debts of its subjects, though apparently a very humble duty, and indicating great care for their most minute interests, still has its other aspect, big with the extension of her possessions, in this, or any other direction. The first notice of the acceptance of this attorneyship was to the owner of Cuba, and whenever it has been accepted hitherto, it has been against those who have desirable real-estate. Armed with this power, the Government may seize when it pleases, and even the best of titles is no protection. Nearly all the States, which claim the immense territory to which I have referred, are debtors to the subjects of that Government; and Ecuador has already, staid a levy upon her portion of this domain, by executing a mortgage. It is a remarkable coincidence—*perhaps* nothing more—that these three principles, so recently announced or hinted, and two of them so disturbing to everything hitherto regarded as settled, should be so perfectly applicable to the acquisition of territory so desirable. British Diplomacy can not ask a more fruitful field than this, for the creation of titles; nothing is necessary, but to apply the various states of facts to the various principles prepared to meet them; and, if this process fails to secure all that is desired, the attorney for the creditor can take the remainder.

We find then here, a territory, now closed, but soon to be accessible, adapted, in all its features, to meet England's most pressing wants—a

territory, too, adapted, in its titles or absence of titles, to acquisition by England upon principles already laid down, and in its condition, inviting her accustomed intermeddling—a territory where she can build up a Colony, if not as extensive, more important and valuable than her Indian Empire—a territory on which she could not only secure her independence of us, but make herself our successful rival in the production of the great staple of the world—and hence, a territory which she *will* acquire, unless restrained by a *certainly* of a consequent war with us, and from which our vital interests demand her exclusion, even though such a war be the consequence. Can it be said then, that the time has passed for apprehending European colonization on this continent? Can it be said, that the Monroe doctrine has served its purpose in the past, and is but an abstraction for the future? Can it be said, that there is no necessity for its enunciation in such solemn [*sic*] form as will impress it, in advance, upon European councils? I believe the time is yet to come, but not far distant, for the full testing of its efficacy in securing the object for which it was designed; and that that test will not only involve those political considerations of safety to our institutions, which first induced its announcement, but also political considerations, now of still higher import—the continuance of our producing, and maritime and commercial, ascendancy.

If it is important to restore our political influence, and to establish, on a broad, immovable basis, political and commercial relations with Spanish America.—If there is danger of European colonization upon this continent, such as would disturb the successful working of Republican institutions; and of European production such as would deprive us of our control over the commerce of the world—If our duty and interests require us to prevent this colonization, at all hazards—If an unequivocal expression of our determination to resist it will peaceably prevent it—If this determination cannot safely be announced without, at the same time, securing the co-operation of the States interested—If these dangers can be averted, and these objects attained, by the proposed mutual guarantee of the territorial integrity of Spanish America, are the objections to such a measure sufficient to counter balance the advantages which it would secure?

But there is still another question, of vast importance to the commercial world, and especially to the United States, which would be affected, and I believe brought to a *favorable* [*sic*] issue, by the proposed guarantee of territorial integrity. That question is the opening of the rivers of South America to exterior commerce. There can be no well founded doubt of the right of the states, through whose territory the navigable tributaries of the Amazon and La Plata flow, to use those rivers as the channel of transit of their productions to the ocean, either under their own flag, or that of other nations. The importance of this right, to the parties interested, is as obvious, as the right itself, is clear. As an illustration, Bolivia owns territory, upon

these tributaries, as large as France, with a soil and climate adapted to every marketable product of every part of the world; but, with all its capabilities, it is entirely valueless, except as a haunt for savages, unless it can be made accessible, and its productions transportable, through the rivers to the ocean. Every Republic in South America, excepting perhaps Chili, has, to a greater or less extent, similar territory, similarly situated. The Governments of these Republics know, and sensibly feel, the importance of their natural rights to the use of these rivers to the ocean; but still they are indifferent, and hesitate in demanding it, because they feel, too, that, in opening the country to foreign commerce, they will, at the same time, open it to foreign aggression, especially from the United States; and hence the fact, that neither combined, or separate, efforts have been made to resist the claims of Brazil, the former claims of Buenos Ayres, or the present claims of Paraguay to the control over these waters. In our negotiations with Brazil to obtain the opening of the Amazon, they have taken no part, and manifested no interest; Peru has even joined Brazil in maintaining her exclusive policy. The motive which I have ascribed for indifference, where such immense interests are at stake, may appear inadequate, and unreasonable, to those unacquainted with Spanish American feelings, suspicions, and apprehensions; but I know that it is the motive which restrains, *at least, this Government and people* from efficient action in securing an object which, aside from its dangers, they regard as of the most vital importance to the country.

Let this guarantee of territorial integrity be made, and the apprehensions of aggression, either from Europe or the United States, be thus allayed, and all these States would be ready to unite with us, or to take the lead, in demanding the freedom of the rivers. And their co-operation is absolutely necessary to furnish a basis for the claim which we have so long, and so unsuccessfully, urged upon Brazil; for unless we have treaty relations with States above, and ports open to our commerce, there is no justice in our claim to enter and to pass in Brazilian waters.

But the question very naturally arises; why press the subject of the free navigation of these rivers, if it will open a country to rival ours in the production of cotton? The answer is, that, sooner or later, and probably at a time not far distant, the demands of commerce, and the wants of the world, will break through these barriers, and make free these rivers; and the question important to us is, whether we will be in a position to preside at the inauguration of their freedom, and in a measure give direction to the labour and production of the country, or leave that privilege to others—whether we will waste our efforts in erecting barriers against inevitable events, or exert them in turning those events to our advantage? Under the stimulus of European capital and labour, directed solely to that one point, the country would, unquestionably be made to rival, if not surpass our own, in the production of cotton; but rice, coffee, cacao (chocolate) sugar cane, Tobacco,



and every variety of tropical fruits, are natural products of the soil, as well as cotton, and, like cotton, most of them are now growing in a wild state; consequently, if cultivation was affected only by the stimulus of ordinary commercial demand, the productions would be so varied, that none would be, in quantity, more than sufficient to meet increasing consumption, and hence no change would be produced in the present relations of demand and supply, of any of them. If left to the laws which ordinarily control population and cultivation the country, when open, will offer a rich field for our commercial enterprise; but, if European interests are suffered to give direction to that population and cultivation, it will become our great rival in the production of cotton, and furnish our great commercial rival an enlarged basis for commercial supremacy.

If then, the opening of these vast regions to the world is inevitable, and fraught with such important consequences, for good or evil, it behooves us to be in a position to give direction to the circumstances, and thus control the results, of that event. And that position can only be secured by establishing friendly relations with South America, on a foundation which cannot be shaken; and by erecting impassable barriers to European colonization.

With high respect, [etc.].

## 423

*John W. Dana, United States Minister Resident in Bolivia, to Lewis Cass, Secretary of State of the United States*<sup>1</sup>

No. 37

LA PAZ, March 29, 1857.

SIR: I learn that, accompanying the note, to this Government, from the Ministers of Costa Rica, proposing a Spanish American Congress, a translation of which I have previously sent to the Department,<sup>2</sup> there was another note from the same Ministers marked secret, (secreto) in which they charged the Government of Peru with infidelity to the Spanish American cause, resulting from dependence, for its own existence, upon aid from the United States; and representing that the President (Castilla) had sent to San Francisco to purchase steamers and fit them up as ships of war, and to enlist men.

In consequence of this information this Government, by the last steamer, addressed notes to the Governments of Chili, Ecuador, and New Grenada [Granada], remonstrating against this measure of the Peruvian Government, as similar to the one which introduced Walker into Nicaragua, and thus brought all the evils upon Central America; and as endangering all Spanish American nationalities, by introducing, and giving a footing to, North American filibusters.

<sup>1</sup> Despatches, Bolivia, vol. I.

<sup>2</sup> Note 1, above, this part, doc. 419, p. 60.

Since the date of this private Costa Rica note, one of the Ministers, who signed it, has published in Lima, over his own signature, an attack upon President Castilla, charging him with having withheld a loan, which he had previously promised, to Costa Rica and, in general terms, with infidelity to the Spanish American cause, resulting from his dependence upon filibusters for support; but making no reference, direct, to the purchase of ships, and enlistment of men in San Francisco, or to the position of Peru in relation to the proposed Congress, or to the Congress itself. In another Lima paper a defence of Castilla has appeared, in which he is represented as having taken great interest in Central American affairs, and as having intended to exert all his power for the expulsion of the invaders; but that now, he withholds the promised loan, because of the present unexpected heavy demands upon the treasury, and because Walker is so prostrated that the loan in aid of his expulsion is no longer necessary.

From these circumstances I conclude, that the inference which I made, in a former despatch, of the assent of Peru, to the proposed Congress, from the known assent of Chili,<sup>1</sup> was not a legitimate one; that the action of the one cannot be inferred from that of the others; and that its (Peru's) course on that subject is uncertain. It is obvious that, from some cause, (perhaps its supposed sympathy with the filibusters) the present Government is not enjoying the confidence of the adjoining States; although, until recently, the interests of the present Government of Peru and that of Bolivia have been so connected, that any event weakening the former, was regarded as endangering the latter.

With high respect, [etc.].

P.S.

This Government is expecting, by the post tomorrow, another communication from the Ministers of Costa Rica announcing definitively the time for the meeting of the Congress; and on receiving it will appoint, probably two, deputies to attend.

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*John W. Dana, United States Minister Resident in Bolivia, to Lewis Cass,  
Secretary of State of the United States*<sup>2</sup>

No. 39

LA PAZ, April 12, 1857.

SIR: Near the close of the year 1853 the Chargé d'Affairs of her Britanic Majesty near this Government had occasion to make certain reclamations, for losses and injuries sustained by British subjects residing in the country. After a brief correspondence on the subject, this Government gave a distinct

<sup>1</sup> In Dana's No. 35, above, this part, doc. 421.

<sup>2</sup> Despatches, Bolivia, vol. 1.

refusal to recognize the claims presented; but the British Chargé, not satisfied, urged, in another note, the further consideration of the subject. To this the Government replied by a severe rebuke, not for the tone or contents of the note, as objectionable, but for the attempt to open again the question, after the Government had indicated that it was closed; and, accompanying this reply and rebuke, the British Chargé received his passport, and orders to leave the country immediately. This rupture of Diplomatic relations, thus produced, has continued up to this time, and no apology or explanation has been given by this Government.

By the last steamer post, a communication was received here, through the British Minister at Chili, from the Earl of Clarendon, in which he referred to the insulting circumstances of the dismissal of the British Chargé d'Affaires; but instead of charging the result, as he naturally would, and justly should, to the *Government* of Bolivia, holding *it* responsible, without regard to change of Administration, and demanding from it an apology, he ascribed it to an Administration which had ceased to exist, and, without asking any explanation, expressed a desire to renew Diplomatic relations, and proposed to send another Minister to Bolivia, if the Government would receive him.

The quiet submission to this insult, ten fold greater than that which produced the recent bombardment of Canton, and the solicitation of a restoration of Diplomatic relations without apology or explanation, shew strikingly the elasticity of British policy—that it makes pretexts of slight offences, or submits to grave ones, as its varied interests may dictate; and it indicates too, on the part of that Government, a desire, stronger than its self respect, to maintain and increase its influence in every part of South America.

The Chargé d'Affaires, who was so summarily expelled from the country, soon after his arrival, was an accomplished civil engineer, and came here provided with a great variety of the instruments of his profession. It is said that he intended, and was about preparing to commence, an exploration of the regions bordering upon the tributaries of the Amazon.

A communication from Buenos Ayres, in a late newspaper in this City, contains the following remark, "The most notable event is the arrival of the British Minister, who, it is said, comes with proposals for the establishment, and regulation of the Government of the Confederacy". Thus while we are avoided, suspected, and powerless, the British Government is intermeddling, arranging, and establishing its influence.

In a No. of the Union, by the last post, I have observed extracts from a treaty, recently negotiated, between Chili, Peru, and Ecuador; and I would refer the Department to its provisions, in confirmation of representations, made in Nos. 34 and 36,<sup>1</sup> of Spanish American apprehensions, jealousies, and consequent hostilities.

<sup>1</sup> Above, this part, docs. 421 and 422.

The Government here was disappointed in its expectation of receiving, by the last steamer-post, a communication from the Minister of Costa Rica, indicating the time for the meeting of the Spanish American Congress; the note is expected on the arrival of the post tomorrow.

By the last post a note was received, from the Government of Ecuador, expressing its approval of the proposed Congress, enclosing a note from Costa Rica on the subject, and urging the co-operation of this Government.

In my No. 37<sup>1</sup> I advised the Department of the reported movement of Prest. Castilla to obtain ships and men in San Francisco, to aid in suppressing the revolution in Peru; and that this Government had addressed Chili, and other States, remonstrating against this policy. The Government of Chili has since replied, concurring in the views presented by Bolivia; and expressing its determination to resist all attempts to introduce other Nationalities into the quarrels in the Spanish American States, and to give immediate assistance to Vivanco, (the chief of the revolutionists) if Castilla avails himself of aid from the North Americans.

With high respect [etc.].

## 425

*John W. Dana, United States Minister Resident in Bolivia, to Lewis Cass, Secretary of State of the United States*<sup>2</sup>

No. 42

LA PAZ, May 14, 1857.

SIR: In my last despatch<sup>3</sup> I remarked that I had sent a communication, on the day previous, to our Minister at Buenos Ayres, advising him of the nature of a contract, already made, with the Govt. of the Argentine Republic, for the navigation of the river Bermejo, and of negotiations, pending with this Govt., for extending that navigation into Bolivia; and giving him information in detail in relation to the commerce of Bolivia, the character of the rivers Bermejo and Pilcomayo as indicated by previous explorations, and the practicability of facilitating and increasing that commerce by the navigation of these rivers: but, that, being mistaken in the day of the departure of the post, I had not time to prepare a copy. With this I transmit it, marked A.<sup>4</sup>

In a postscript to a former communication, a copy of which accompanied No. 40,<sup>5</sup> I advised him that a Co. at Salta, in the Argentine Republic, was negotiating a contract with that Govt. for the establishment of a line of

<sup>1</sup> Above, this part, doc. 423.

<sup>2</sup> Despatches, Bolivia, vol. I.

<sup>3</sup> Not included in this publication.

<sup>4</sup> This communication, dated April 27, 1857, is not included in the present publication. For further reference to it, see vol. I, pt. II, Communications from Argentina, note 2, p. 644, and Peden's No. 83 to the Secretary of State, doc. 310, also, vol. I, pt. II.

<sup>5</sup> Dana's No. 40, dated April 14, 1857, and the communication to the Minister at Buenos Aires, dated April 12, 1857, were not copied.

steamers on the Bermejo, and had proposed to this Govt. to become a party to it. But I learned soon after that the contract had been absolutely concluded with the former Govt., and that the negotiations pending were with the latter only.

The conclusion of this contract is a matter for regret, for it gives such privileges to the Co. as will, for the present, I fear, prevent others from participating in the commerce and navigation of that river; especially if this Govt. makes similar concessions to the same Co. to induce it to extend its line of steamers into Bolivia; and it will undoubtedly do this, unless proposals are received from other quarters. There having been no information abroad, derived from reliable explorations, of the capabilities of the river for navigation and commerce, the people of the country, without any competition, have been able to make their own terms with the Govt. While our flag is shut out from the Paraguay and its tributaries, even for purposes of exploration, by the assumptions and policy of the Govt. of Paraguay, others are securing privileges which will operate to its exclusion, for years to come.

The main Paraguay and its tributary, the Pilcomayo, are still free from Cos. protected by concessions or exclusive rights; and they are more important, both on account of their length, and the territory which they drain, than the Bermejo, especially to Bolivia; because by the latter only the frontier can be reached, whereas, by the Pilcomayo, it is probable that navigation can be extended through what are now the most productive portions of the Republic. In the accompanying communication to our Minister at Buenos Ayres, I have given him all the information I have been able, thus far, to obtain in relation to the practicability of navigating the Pilcomayo and the Bermejo to points which would command the commerce of Bolivia, and also in relation to that portion of its existing commerce, and prospective, which would be facilitated by such navigation. And I trust that this information will enable our citizens who are engaged in maritime and commercial pursuits, in the vicinity of Buenos Ayres, to respond, if they wish, to the invitation recently issued by this Govt. for proposals for the exploration of the Pilcomayo; and to judge of the propriety of extending their operations into either, or both these rivers. From the examination given to the subject, I cannot but regard the navigation, especially of the Pilcomayo, as worthy the consideration of our citizens both there, and at home.

And I would here make the suggestion, not only as applying to these rivers, but to the general question of the navigation of all the rivers of South America, that an early establishment of principles is important, if it is regarded as desirable that they be made free to the flags of exterior nations; for as the people of these countries become familiar with navigation, capable of directing it, and with capital invested in it, they will be more and more inclined to favour, and unite in, the exclusive policy which has hitherto prevailed.

Their general interests now demand the freedom of the rivers to exterior flags, because they require facilities for transportation; but when they learn that they can furnish to themselves those facilities, that motive will be withdrawn, and an adverse interest will take its place.

I learn from my correspondence with our Minister at Buenos Ayres,<sup>1</sup> that a Commissioner has been sent by our Govt. to Paraguay, to obtain the certification of the treaty with that Govt. which conceded to us the free navigation of the Paraguay and its tributaries. If his effort should be successful, early information of the fact might, perhaps, be made, by me, beneficial to our interests here. If he should unfortunately fail, I would suggest, that if I was authorised to proceed to Paraguay and treat with that Govt. upon the subject, I could probably obtain from the Govt. of Bolivia, interested as it is in the question, such co-operation and assistance as would be likely to secure the object desired; and such powers could, at the same time, be used to advantage in inducing this Govt. to make a favorable treaty with us in relation to the navigation of those, and other rivers, within the Bolivian limits.

With high respect [etc.].

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*John W. Dana, United States Minister Resident in Bolivia, to Juan de la Cruz Benavente, Minister of Foreign Affairs of Bolivia*<sup>2</sup>

A

LA PAZ, July 27, 1857.

SIR: On the reception of the note of His Excellency the Minister of Exterior Relations, of Oct. last, making inquiries in relation to the U. S. steamer *Yerba*,<sup>3</sup> then reported to be at Oran, in the river Bermejo, the undersigned, Minister Resident of the United States, addressed his Govt. on the subject of the renewal of the expedition for the exploration of the tributaries of La Plata;<sup>4</sup> especially urging the great interest felt by the Govt. of His Excellency in the exploration of the Pilcomayo and Bermejo, and the great benefit which would result, not only to Bolivia, but to science and commerce generally.

The undersigned has now the unfeigned pleasure to advise His Excellency the Minister, that he is in possession of communications from Lieut. Page<sup>5</sup> (the Chief of the former expedition in La Plata) which inform him that the expedition is to be renewed—that the Govt. is constructing a steamer, under his direction, particularly adapted to the navigation of the

<sup>1</sup> See latter part of Peden's letter to Dana, of January 15, 1857, vol. I, pt. II, p. 630.

<sup>2</sup> Despatches, Bolivia, vol. I, enclosed with Dana to the Secretary of State, No. 43, below, this part, doc. 427.

<sup>3</sup> The note referred to does not appear in the manuscript volume. Dana explains, in his No. 31, that he was unable to attain a satisfactory translation of this note, but that his reply would explain the contents.

<sup>4</sup> See Dana's No. 27, above, this part, doc. 414.

<sup>5</sup> The communications referred to do not appear in the manuscript volume. Their contents are indicated here.

Pilcomayo and Bermejo, requiring only 20 inches depth of water—that he shall probably arrive in the waters of the Parana in the month of Nov. next—and that there is, now, nothing to prevent the long desired exploration of those rivers (the Pilcomayo and Bermejo) except the political obstacles which the Govt. of Paraguay may interpose.

In view of the fact that the objections of that Govt. was the sole cause that the former expedition failed to explore them, the undersigned would suggest the enquiry, whether the Govt. of His Excellency might not adopt some measures which would secure in advance the consent and co-operation of the Govt. of Paraguay, and thus guard against the only possible danger of a second disappointment.

All that is necessary to a successful issue of this effort of the Govt. of the United States to extend the sphere of commerce, and enlarge the boundaries of geographical knowledge, is the countenance and sympathy of the Govts. which exercise jurisdiction over those waters; but its inflexible policy of non-intervention in the affairs of others—its stern aspect for foreign jurisdictions—would prevent the prosecution of a work, however great its benefits, under circumstances in the least degree violative of those principles. The preceeding suggestion, therefore, of the undersigned is neither more nor less than that the Govt. of Bolivia should endeavour to inspire that of Paraguay with its own liberal and enlightened views in the encouragement of this enterprise.

The undersigned avails himself of this opportunity [etc.].

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*John W. Dana, United States Minister Resident in Bolivia, to Lewis Cass, Secretary of State of the United States*<sup>1</sup>

No. 43

LA PAZ, July 27, 1857.

SIR: The last steamer post brought me a communication from Lieut. Page, of the late exploring expedition in La Plata,<sup>2</sup> informing me that he was authorized and preparing for a renewal of that expedition—that he intended to explore the Pilcomayo and Bermejo—and that the only obstacles to prevent his doing so were the objections which the Govt. of Paraguay might again interpose.

On the reception of this communication I addressed a note to this Govt. advising it of the intended exploration of the Pilcomayo and Bermejo, and suggesting the adoption, on its part, of some measures to secure, in advance, the consent and co-operation of the Govt. of Paraguay, and thus avoid a second failure. A copy of the note is attached marked A.<sup>3</sup>

<sup>1</sup> Despatches, Bolivia, vol. 1.

<sup>2</sup> Lieutenant Page's letter does not appear in the manuscript volume.

<sup>3</sup> Above, this part, doc. 427.

From the apprehensions expressed by Lieut. Page of the action of Paraguay I infer that my Govt. has not succeeded in obtaining the ratification of the treaty for the navigation of its rivers. If it be the case that that Govt. persists, still, in its restrictive policy, it seems to me that the proposed exploration of the Bolivian rivers—the great interest which this Govt. feels in the subject—and the danger that the policy of Paraguay will cause its failure—are motives, all combined, which would induce this Govt. to lend its earnest, and probably effective, co-operation with that of the U. S. in any negotiations for the purpose of producing a change in that policy; and that, therefore the present combination of circumstances presents a rare opportunity for the accomplishment of the object. I refer the Department to the suggestions on this subject at the close of despatch No. 42,<sup>1</sup> and would add, that if clothed with the powers then proposed it would be my wish to return to the U. S. immediately on the conclusion of those negotiations.

With high respect [etc.].

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*Juan de la Cruz Benavente, Minister of Foreign Affairs of Bolivia, to John W. Dana, United States Minister Resident in Bolivia*<sup>2</sup>

SUCRE, August 18, 1857.

SIR: I have the honor to have submitted to the knowledge of my Govt. the appreciable note of your Excellency of the 27<sup>th</sup> of July ult.<sup>3</sup>

My Govt. is advised by it, that a new exploration will be instituted of the tributaries of La Plata, in a steamer, particularly adapted to the navigation of the rivers Pilcomayo and Bermejo, which is being constructed by the most excellent Govt of the United States, under the direction of Lieut. Page.

My Govt., in view of the obstacles which the Govt. of Paraguay may interpose to the realization of an object so important; (as you also have expressed it) would have established a Legation in that country, at the moment of the reception of your despatch, but, as it is impossible to do so immediately, I have received orders to address the Cabinet of Asuncion, for the purpose of inducing, in that Cabinet, a policy favorable to a project so highly beneficial to Bolivia and Paraguay, and so highly honorable to the most excellent Govt. of the United States, as the exploration of the Pilcomayo and Bermejo.

It remains for me, Sir, to manifest the high estimation with which His Excellency the Chief of the State values your generous and important cooperation in whatever concerns the navigation of the rivers of the Republic—

<sup>1</sup> Above, this part, doc. 425.

<sup>2</sup> Despatches, Bolivia, vol. I, enclosed with Dana to the Secretary of State, No. 46, below, this part, doc. 430.

<sup>3</sup> Above, this part, doc. 426.



He desires that the honorable name of His Excellency Mr. Dana may forever be associated with the most prosperous results of that enterprise of illustration and advancement.

I have the honor [etc.].

## 429

*John W. Dana, United States Minister Resident in Bolivia, to Lewis Cass, Secretary of State of the United States*<sup>1</sup>

No. 45

LA PAZ, August 28, 1857.

SIR: I transmit, with this, a copy of the Message of the President to Congress, recently assembled, and of the Report of the Minister of Exterior Relations.<sup>2</sup> I do not regard the Documents, entire, of sufficient interest to the Department to require a translation, but will give below abstracts and extracts of such parts of the Report of the Minister as may have a bearing upon our relations with this, or other Spanish American States. The Message of the President is brief, and entirely general in its character, leaving the Ministers to give all desirable information in relation to subjects under their charge.

On page 6<sup>th</sup> of his report, the Minister says, that in July of last year his Govt. recvd a circular note from the Govt. of Venezuela proposing an American Congress at Panama, and that the proposition was accepted. The notes on this subject are Docs. Nos. 1 and 2 of the correspondence annexed to the Report. On the same page, he says a like invitation was made by the Legation of Costa Rica in Lima for the meeting of an American Congress in the Capital of that State, which was accepted, more readily, because the note of the Ministers of Costa Rica contained grave information in relation to the condition of Central America. (for this correspondence see Docs. 5 and 6) Then follows an account of the state of affairs in Nicaragua, in the course of which it is remarked, (page 7) that during the Administration of Rivas, the instrument and echo of Walker, the Cabinet of Washington recognized the new Govt. of Nicaragua; and that the Cabinet of Bogota protested against the recognition, and remitted the protest to this Govt., which adopted it (see Docs. Nos. 7, 8 & 9) And here, says the Report, I ought, as an act of justice to the Govt. of the United States, to advise you, that the recognition of that of Nicaragua under Rivas, was immediately withdrawn from the Govt. of Walker, when he succeeded to the Presidency. In the Despatch which the Minister of the United States addressed to this Govt. on the 27<sup>th</sup> of Feb. last,<sup>3</sup> in refutation of the note of the Legation of Costa Rica, and which was received after this Govt. had adhered to the

<sup>1</sup> Despatches, Bolivia, vol. 1.

<sup>2</sup> These documents are not included in this publication. Both are printed in Spanish. The more important portions of the Minister's report are outlined in the despatch.

<sup>3</sup> Above, this part, doc. 418.

protest of New Grenada, you will find luminous explanations which justify in an honorable manner the Govt of the United States (See Doc. 10 & 11).

I would here remark, that the motive, indicated in the proposal from Venezuela for a Congress, is to unite more closely, in interest and feeling, the Spanish American States, making no allusion to the United States, or Central American affairs—The proposal from Costa Rica is contained in the offensive note, extracts from which I furnished the Department at a former date,<sup>1</sup> and to which I replied in the Note of Feb. 27 referred to by the Minister; a copy of this note is also in the possession of the Department.<sup>2</sup> The remark in the Report that the adhesion to the protest was given before the reception of my note, connected with the comments upon the note, may justly be taken as an apology for that adhesion, and tantamount to a withdrawal from it.

The Report proceeds to say (page 8) "Our relations with the United States of N. A. are most friendly and satisfactory—The Govt. wishes to increase and make them more intimate, and to respond with due estimation to the obliging manner in which the honorable gentleman J. W. Dana so well knows how to conduct them . . . I take pleasure in manifesting to you the sympathies of this Govt. for the American Union—a land classic of liberty, where man, elevated by education, labour, and industry, presents a model of a citizen."

Pages 10. 11. & 12 are devoted to the subject of the navigation of the rivers, its importance, and the prospect of its realization. On the 12<sup>th</sup> page is an account of the measures adopted to obtain information in relation to the cost, mode of construction & of steamers adapted to the exploration and navigation of the rivers, closing with the remark that these, and other important data, have been solicited from the United States, through its Legation here, its chief Señor Dana having lent his services with such gentlemanly courtesy that it has augmented the estimation of the Govt. for that honorable personage. On page 13 the expectation is expressed that the exploration, by the Govt. of the United States, of the tributaries of the La Plata, including the Pilcomayo, will be renewed.

The only comment which the Report seems to elicit is, that, while, from the cordial kind feeling which the Govt. has always manifested, and from the extreme politeness of this people, I am not surprised at the complimentary allusions to myself, still, I was not prepared to find an uncalled for reference to my country in such laudatory terms, and much less a full justification of my Govt. in its policy towards Nicaragua. This state of things is to me peculiarly gratifying at a moment when the prejudices upon this subject, in Spanish America generally, are so strong as to furnish a motive for Congresses, treaties, and alliances, in hostility to the United States.

With high respect [etc.].

<sup>1</sup> See Dana's No. 33, above, this part, doc. 419, and note 71, thereof, p. 60.

<sup>2</sup> Above, this part, doc. 418.

## 430

*John W. Dana, United States Minister Resident in Bolivia, to Lewis Cass, Secretary of State of the United States*<sup>1</sup>

No. 46

LA PAZ, August 28, 1857.

SIR: With my despatch No. 43<sup>2</sup> was the copy of a note which I had addressed to this Govt.<sup>3</sup> on the reception of a communication from Lieut. Page in relation to the anticipated renewal of the exploration of the tributaries of La Plata. Yesterday I received a reply from the Minister of Exterior Relations, a translation of which is attached to this.<sup>4</sup>

It will be perceived from the Ministers note that, while the Govt. is unable immediately to send a Minister to Paraguay for the purpose of regulating permanently the subject of the navigation of the rivers, it has opened a correspondence with that Govt. with the view of preventing it from throwing obstacles in the way of the proposed exploration of the Pilcomayo and Bermejo. This movement is important for the success of our expedition; but it is still more important to secure rights of navigation after the exploration is concluded. It will be of little benefit to us to ascertain the fact that these rivers are navigable, if, after doing so, we are to be excluded from their use.

Early after my arrival here in 1854, I received, with despatch No. 5 from the Department,<sup>5</sup> a draft of a treaty, and full powers to negotiate it, under general instructions contained in despatch No. 2.<sup>6</sup> In July of the same year I proposed to this Govt. to enter upon the negotiation of a treaty of Friendship, Commerce and Navigation, but the unsettled condition of the country, daily disturbed by attempts at revolutions, gave the then Administration (that of Belzu) little time to devote to its foreign relations, and the proposition was promptly rejected. My impression then was, and still is, that the denial was, in a measure, induced by the conviction of an aggressive, over bearing policy on the part of the United States, and that a weaker State like this was more safe in the absence, than in the existence, of treaty relations with them. Soon after this refusal the fillibustering operations of Walker commenced, first in Mexico, and after in Nicaragua, all of which, in the South American public mind, have been ascribed to the promptings, and indirect action of the Govt. of the United States, and have tended largely to increase the ever existing jealousies against us. Under this state of circumstances, and consequent feeling, I have judged it imprudent, up to this time, to renew my proposal for the negotiation of a treaty, thinking that it would only result in another refusal, and thus increase the difficulty when a more favorable opportunity should occur. But the general tone of the Report of the Minister

<sup>1</sup> Despatches, Bolivia, vol. 1.

<sup>2</sup> Above, this part, doc. 427.

<sup>3</sup> Above, this part, doc. 427.

<sup>4</sup> Above, this part, doc. 428.

<sup>5</sup> This instruction, dated May 2, 1854, was not copied; it merely informed him that the draft of the treaty was enclosed.

<sup>6</sup> Above, this volume, pt. 1, doc. 390.

of Exterior Relations towards my country, and especially his unqualified approval of its policy towards Nicaragua, of which the Department will have been advised in No. 45,<sup>1</sup> have induced me to believe that such a change has taken place in the feeling of the Govt. as will render this a favorable moment to renew the proposal: and, in accordance with this view, I shall, at my earliest convenience, address the Minister upon the subject. My first object in the negotiation will be to secure, as far as possible, to our flag the same rights in Bolivia rivers as are enjoyed by that of Bolivia, and this will necessarily transfer to us all the Bolivian right to the use of its waters in their whole extent to the ocean—a point which I regard as vital in our negotiations with Brazil and Paraguay, in furnishing a basis for our claim to the free navigation of their rivers. For unless our flag has recognized rights in the waters above, we have no more just claim to the transit use of *their* waters, than we should have if the entire rivers were within their jurisdiction—or, in other words, our right to *pass through* their waters depends upon our right to *enter* the waters above. If other interior States see fit to say, as Peru has done in its treaty with Brazil, that they want no exterior commerce, but will limit the use of the rivers to the countries bordering upon them—in that event, I regard the question of their free navigation as closed. Brazil views the question as turning upon that point, and, while postponing and delaying, is using every possible effort to bring the interior States to the adoption of that policy. Her recent treaty with Paraguay, which has been regarded by some as an indication of more liberal views, is perfectly consistent with that principle, only conceding the right of mutual use. My second object will be to interpose a barrier against grants of exclusive rights of navigation, either to States, or individuals. I have strong doubts of the success of the effort, but the circumstances to which I have referred, taken in connexion with the interest felt in our exploring expedition, indicate this as a most favorable opportunity.

With high respect [etc.].

431

*John W. Dana, United States Minister Resident in Bolivia, to Juan de la Cruz Benevente, Minister of Foreign Affairs of Bolivia*<sup>2</sup>

A

LA PAZ, September 3, 1857.

SIR: His Excellency the Minister of Exterior Relations will perceive from the note of July 27<sup>th</sup> from the Undersigned Minister Resident of the United States,<sup>3</sup> that the information therein given in relation to the renewal of the

<sup>1</sup> See above, this part, doc. 429. His No. 45 reviews the above-mentioned report of the Minister of Foreign Affairs.

<sup>2</sup> Despatches, Bolivia, vol. 1, enclosed with Dana to the Secretary of State, No. 47, below, this part, doc. 432.

<sup>3</sup> Above, this part, doc. 426.

exploration of the tributaries of La Plata was not received officially but derived from a communication from Commander Page.

He has now the pleasure of advising His Excellency that in answer to his several communications upon that subject in which he has expressed the interest felt by the Government of His Excellency in the exploration of the rivers of Bolivia, he has received a despatch from his Government <sup>1</sup> in which he is directed to inform the Government of Bolivia that preparations are now being made for the renewal of that enterprise, that among the tributaries which this exploration is designed to embrace, those passing through or bordering upon Bolivia are considered of primary importance, and that appreciating the solicitude manifested by the Bolivian Government on the subject it will use the means placed at its disposal to open if possible the waters of that country to commerce and navigation.

The undersigned is further directed to express the hope of his Government that this determination will afford gratifying proofs to the Government of Bolivia of the friendly interest felt by the United States in promoting those enterprises which have for their object the developement of the internal resources of that country, and the consequent increase of those ties of friendship and mutual dependance which will result from the extension of the commercial intercourse between the two Republics.

The undersigned cannot refrain from expressing his gratification at finding in the able report of His Excellency to Congress <sup>2</sup> such eloquent expressions of sympathy for his country, and an approval of the policy of his Government so much misrepresented and misjudged in other quarters in relation to the affairs of Nicaragua.

He has taken great pleasure in remitting to his Government the report as also the admirable Message of the President. Neither can the undersigned feel otherwise than grateful for the graceful allusions to himself, contained in the Report of His Excellency, and those expressed in his note of the 18<sup>th</sup> <sup>3</sup> all in the name of His Excellency the Chief of the State. It is true that he has *endeavored* to cooperate (as the note referred to kindly remarks he has done) "in whatever concerns the Navigation of the rivers of the Republic" but if he had neglected this or any act which would have tended to advance the interests or enhance the prosperity of this country, he would have failed to represent the wishes and carry out the instructions of his Government. He principally regrets that he is unable to give positive and efficient cooperation commensurate with his desires to an enlightened Government, struggling against adverse circumstances to develop the rich resources of this young and interesting State, or in other words, he regrets that the kind expressions of His Excellency are not better merited.

The undersigned avails himself of this occasion [etc.].

<sup>1</sup> Cass to Dana, No. 12, above, this volume, pt. 1, doc. 392.

<sup>2</sup> See Dana's No. 45 to the Secretary of State, above, this part, doc. 429.

<sup>3</sup> Above, this part, doc. 428.

*John W. Dana, United States Minister Resident in Bolivia, to Lewis Cass, Secretary of State of the United States*<sup>1</sup>

No. 47

LA PAZ, September 12, 1857.

SIR: I have the honor to acknowledge the reception of a second despatch numbered 12 of July 1<sup>st</sup><sup>2</sup> with a copy of a communication from the Secretary of the Navy, both relating to the renewal of the expedition for the exploration of the tributaries of La Plata.

I had previously received a communication from Commander Page<sup>3</sup> advising me of the determination of the Government on this subject, and had addressed, the Minister of Foreign affairs communicating to him that information. A copy of this note<sup>4</sup> accompanied despatch N<sup>o</sup>. 43,<sup>5</sup> and a translation of his reply N<sup>o</sup> 46.<sup>6</sup> Perhaps it was premature to communicate this determination until I had received it officially; but I had the double motive of placing it in the possession of the Minister before the meeting of Congress and of inducing an early action on the part of this Government to prevent that of Paraguay from placing any impediments in the way of the expedition.

On the reception of the despatch above referred to N<sup>o</sup> 12, I addressed another note to the Minister a copy of which is attached marked A.<sup>7</sup>

On the morning of the 10<sup>th</sup> inst, private advices reached the enemies in this City of the Government that Linares, the unsuccessful candidate for the Presidency in the last election, had made the journey from the coast privately by an unpopulated route, and had arrived at Oruro, a city mid-way between La Paz and Sucre—that under a previous understanding, the officer in command transferred to him the regiment of artillery stationed there, and the fortress containing all the spare arms and munitions belonging to the Government—and that immediately upon this transfer he was announced as and assumed the title of President.

On the reception of this news in La Paz the revolutionary party gathered in large bodies, and paraded the Streets crying “vivas” to Linares and proclaiming him as President. In the after part of the day some indications were given of an intent to attack the palace, and the authorities made a slight effort to disperse the crowd, but beyond this the one party confined itself to its “vivas” and proclamations, and the other to the defence of the public buildings and the protection of the City against robbery and plunder.

<sup>1</sup> Despatches, Bolivia, vol. I.

<sup>2</sup> Above, this volume, pt. I, doc. 392. The communication from the Secretary of the Navy is not copied in Instructions, Bolivia, vol. I.

<sup>3</sup> Not found in the manuscript volume.

<sup>4</sup> Above, this part, doc. 426.

<sup>5</sup> Above, this part, doc. 427.

<sup>6</sup> For the Foreign Minister's reply see above, this part, doc. 428. Dana's No. 46 is dated August 28, 1857, above, this part, doc. 430.

<sup>7</sup> Above, this part, doc. 431.

During the night after this demonstration, which was headed by Gen. Perez, he and the other leaders retired from the city, and it is supposed with the intention of joining Linares at Oruro, and of returning to attack this city after recruiting and arming men for that purpose.

The recent revolutionary movements, so frequent here have been promptly suppressed; but now the revolutionists having in their possession all the arms and munition of war except those in the hands of about 1500 troops, my impression is that the aspect of affairs is serious for the existing Government and the result may probably be its overthrow.

In my despatch No. 46<sup>1</sup> I expressed the intention of opening a correspondence with this Government in relation to the negotiation of a treaty; and with that view prepared a note upon the subject to forward by the post today, but under existing circumstances have judged it better to withhold it for the present.

With high respect [etc.].

## 433

*John W. Dana, United States Minister Resident in Bolivia, to José María Linares, President of Bolivia*<sup>2</sup>

LA PAZ, November 10, 1857.

SIR: The Govt of the United States, which the undersigned has the honour to represent, has ever inflexibly required of its Diplomatic Agents abroad that they entirely refrain from participation in all political questions and controversies arising in the Countries to which they are accredited. And it as rigidly requires that they recognize whatever Govt. may exist, without questioning its origin or character—acting upon the broad principle that every State has the right to determine for itself, without exterior influence, what form of Govt. is best adapted to its condition, and what persons are most capable of administering it.

Under the first of these rules, the undersigned has felt it his duty, up to this time, to remain a spectator, merely, of the great events which, for the last two months, have been so rapidly transpiring throughout the Republic; though at the same time hoping most ardently that, under the direction of Him who holds the nations in His hand, the sufferings and sacrifices, always attendant upon popular changes, might so result as to give peace, prosperity, and advancement, to the Country.

In quick succession he has seen City after City, and Department after Department throw off their allegiance to the former Govt. and, with rare and remarkable unanimity, proclaim Your Excellency the Chief of the Republic;

<sup>1</sup> Above, this part, doc. 430.

<sup>2</sup> Despatches, Bolivia, vol. 1, enclosed with Dana to the Secretary of State, No. 53, below, this part, doc. 434.

so that now your authority is universally recognized throughout the length and breadth of the land.

Under this state of facts, in accordance with the second of the rules to which he has referred, it is the duty, as well as the pleasure, of the undersigned, in the name of his Govt—a Govt. which ever feels a deep sympathy in whatever concerns the prosperity of the sister Republics of this Continent—to recognize the act of the sovereign people of Bolivia which has confided to the hands of Your Excellency the supreme Executive power, and he ardently desires that that power may be exerted to strengthen the friendly relations already existing, and to establish others more intimate, between the nation over which You preside, and that which he represents.

While making this recognition, the undersigned congratulates the country that it has passed through a crisis, usually so trying, with comparatively, so small an expenditure of blood and treasure. And he felicitates Your Excellency on the distinguished honour of being called to the Chief Magistracy of the Republic; and on the still higher honour of entering upon its duties under circumstances so expressive of the spontaneous and universal confidence of a free and enlightened people. He earnestly hopes and confidently anticipates that, under the Administration so auspiciously inaugurated, Bolivia will march rapidly forward to occupy the position, for which nature obviously designed her, among the first of American Republics.

The undersigned avails himself of this occasion [etc.].

## 434

*John W. Dana, United States Minister Resident in Bolivia, to Lewis Cass, Secretary of State of the United States*<sup>1</sup>

No. 53

LA PAZ, November 12, 1857.

SIR: On the 9<sup>th</sup> inst. Prest. Linares made his entrance to this City, and his reception was a very cordial and enthusiastic one. I accompanied the chief authorities to a point about two leagues hence to meet him, where I was presented, and tendered to him my felicitations, and returned and dined with him. On the next day I sent him a note of formal recognition as President of the Republic, a copy of which is attached marked A;<sup>2</sup> and the same day called upon him at the palace.

On all these occasions he has expressed a high respect for the Govt. of the United States, and a strong desire to cultivate the most intimate relations. On an allusion of mine to the prejudices existing against my Govt. throughout the Spanish American States, he remarked that the more enlightened and intelligent did not entertain them but sentiments the reverse. When we

<sup>1</sup> Despatches, Bolivia, vol. 1.

<sup>2</sup> Above, this part, doc. 433.



separated last, he told me that he had a great work before him in establishing real Republican institutions in the country, and that he desired to confer with me freely on the subject.

The Country remains quiet, and the President will, in a few days, appoint his Ministers, and commence the work of the re-organization of the Government.

With high respect [etc.].

## 435

*Ruperto Fernández, Minister of Foreign Affairs of Bolivia, to John W. Dana, United States Minister Resident in Bolivia*<sup>1</sup>

[TRANSLATION]

A

LA PAZ, November 16, 1857.

SIR: His Excellency the Provisional President of the Republic has had the honour to receive, in its due time, the communication of the 10<sup>th</sup> inst. which Mr. Dana, Minister Resident of the Govt. of the United States, has done him the favour to address him.<sup>2</sup> The numerous and pressing duties of His Excellency have not permitted him to reply with the promptness which he desired; but, today, the undersigned has been directed to do so, and complies with a duty so agreeable.

The Govt. of the United States, which occupies a very distinguished position among those in the vanguard of civilization, could do no less than prescribe to its Representatives, as a rigid duty, to abstain from taking part in the domestic controversies and dissensions which might arise in the countries to which they are accredited; nor could it refrain from recognizing the unquestionable right of every people to establish that form of Govt. which appears to them best, and to commit the direction of their destinies to such individuals as they wish, requiring of its Diplomatic and Consular Agents the most religious regard for those rights. Such will be, also, the maxim of the present Govt. of Bolivia, in its relations with other Govts., and to this it will subject all persons who represent it in other countries or States.

The extraordinary revolution which the people of Bolivia have consummated cannot fail to excite the most lively sympathy in one so enlightened as the Agent of the Govt. of the United States; and his satisfaction, that it has triumphed at the cost of so little blood, is natural in characters so noble and elevated as that of Mr. Dana. The desires too which he manifests for the advancement and prosperity of Bolivia are only such as would be anticipated in him; and all this the Provisional President acknowledges with the most cordial expression. In like manner he receives the felicitations

<sup>1</sup> Despatches, Bolivia, vol. 1, enclosed with Dana to the Secretary of State, No. 54, below, this part, doc. 436.

<sup>2</sup> Above, this part, doc. 433.

addressed to him, that his country the favourite child of the immortal Bolívar—had thought him worthy to be elevated to the Chief Magistracy.

His Excellency, who is penetrated with the necessity and importance of establishing the best relations with all the leading Govts. and to cultivate, with careful attention, those already existing, will devote to this object all his efforts; having for his invariable rule, in his exterior policy, respect for foreign rights, without conceding other preferences than such as the well understood interests of Bolivia require, and which will not, in any degree, prejudice other countries, or detract from his dignity and decorrum.

Such are the sentiments which, in reply to Mr. Dana, the undersigned has the honour to transmit, in the name of the President, and, while doing so, it only remains to present to Mr. Dana assurances of the high regard and distinguished consideration with which he subscribes himself [etc.].

## 436

*John W. Dana, United States Minister Resident in Bolivia, to Lewis Cass, Secretary of State of the United States*<sup>1</sup>

No. 54

LA PAZ, November 28, 1857.

SIR: I transmit herewith a translation, marked A.,<sup>2</sup> of a note in reply to mine, to the President,<sup>3</sup> in recognition of his Govt., a copy of which accompanied despatch No. 53.<sup>4</sup>

I have not yet officially addressed the President on the subject of the violation of my house, but in an informal conversation with him, a few days since. I remarked that I should be under the necessity of calling his attention to an unpleasant occurrence, which involved important rights and duties, but that I should refrain from doing so until his Ministry was organized, and he in a measure relieved from his now, pressing engagements. He thanked me for my consideration in delay, and replied that I should find him ever ready to recognize and regard all international obligations.

My relations are, apparently, very well with him, and I shall endeavour to conduct this question in such a manner as not to disturb them, with the hope that I may secure treaty arrangements in relation to the navigation of the Bolivian tributaries of the Amazon and La Plata.

With high respect [etc.].

<sup>1</sup> Despatches, Bolivia, vol. 1.

<sup>2</sup> Above, this part, doc. 433.

<sup>3</sup> Above, this part, doc. 435.

<sup>4</sup> Above, this part, doc. 434.

437

*John W. Dana, United States Minister Resident in Bolivia, to Lewis Cass, Secretary of State of the United States*<sup>1</sup>

No. 62

LA PAZ, February 24, 1858.

SIR: On the 22<sup>d</sup> inst I addressed a note to the Minister of Exterior Relations (a copy is attached marked A)<sup>2</sup> proposing to enter upon the negotiation of a treaty; and hope that I shall be able to introduce a provision which will preclude this Govt. from adopting the Brazilian and Peruvian principle of exclusion of exterior flags from the Amazon and its tributaries. The President expects the arrival, in a few months, of a Minister from Brazil; and I have much fear that that Govt., by proposals to extend its Amazonian line of steamers up the Madera [Madeira] into Bolivia, will be able to induce this Govt. to adopt its exclusion policy, unless it is previously bound to a different one.

The question has been proposed to me, both by the Prest., and some of the Ministers, viz: In the event that this Govt. should offer concessions sufficient to induce a company in the U. S. to establish a line of steamers, through the Amazon and Madera [Madeira], into Bolivia, will the Govt of the U. S. protect such Co. in its right to enter, and pass through, the Amazon? This question I am not prepared to answer, and it is very important that it should be promptly, and satisfactorily, answered, both as an inducement to this Govt to offer such concessions, (a subject which it is now considering) and, what is still more important, as an inducement to it to withhold its assent from the Brazilian doctrine of exclusion. If this Govt. cannot rely upon some strong power to protect an exterior flag in the exercise of the rights which may be given it to enter, through Brazilian, into Bolivian waters, then it (this Govt.) will regard the right of free passage of its own and other flags, to and from the Ocean, as but an abstract right, useless of assertion, and will avail itself of the lesser, but more sure and practical, advantages which Brazil will readily offer. Bolivia will of course be governed by her own interests in the matter—possibly by those immediate, rather than ultimate—and my opinion is, that, unless she has assurances, from some exterior power—, that it will join with her in the practical assertion of the free navigation of these rivers, she will yield to the first plausible proposition which Brazil may make to her, unless withheld from doing so by a previous treaty with us. Whether this barrier can be interposed is yet to be seen. When it is considered that the right of exterior flags to pass through the Amazon depends upon the concurrence of the States above—that Peru has, already, denied that right—and that Bolivia is, probably, the only remaining State accessible by waters now navigable, and, consequently, the only State to give, or withhold, that con-

<sup>1</sup> Despatches, Bolivia, vol. 2.

<sup>2</sup> The enclosed note was not copied; it makes no definite proposals other than an offer to enter upon negotiations.

currence—when all this [is?] considered the position which Bolivia may assume must be regarded as vital, either for, or against, the free navigation of the Amazon. A satisfactory answer to the question, above referred to, so pointedly put to her by the Prest. and Ministers, I doubt not would secure a position, on their part, satisfactory to us in relation to this question.

With these explanations I submit to the Department, as a matter worthy its consideration, the propriety of enabling this Legation to give to this Govt assurances of protection to a U. S. Co., if one should be organized, in the passage of its steamers, through the Amazon, into Bolivia. We have been negotiating with Brazil for the last four years about the mere theoretical right, and, while we have been doing this, she has taken away one of the principle supports of that right, (Peru) and the other remaining one (Bolivia) may, at any moment, be abstracted. But here is an opportunity to treat the question practically, and before it becomes entirely a closed one against us.

In connexion with this subject, it is proper for me to make a remark in relation to the boundaries of Bolivia. I think the map which accompanies Gibbon's report, (it is not before me) as well as nearly all the maps of South America, only extend the territory of Bolivia northwardly to a line drawn west from the junction of the Mamore and the Beni; whereas the north line, as claimed by Bolivia, and undoubtedly the true one, is a line drawn west from a point on the Madera [Madeira] equi-distant from the above named junction and that of the Madera with the Amazon. The latter line extends the territory of Bolivia a long distance below the falls on the Madera; so that Bolivian jurisdiction can be reached through waters that offer not the slightest obstruction to navigation. The territory included between these two lines is assigned by the maps to Peru, but I am told, by the Prest., and other intelligent persons, that she has never asserted a claim to it. I am informed that the Brazilian line of steamers on the Amazon makes monthly trips to a town 70 leagues up the Madera, and supposed to be 150 leagues below the falls. Brazil, therefore, by extending this route that distance would reach Bolivia, and, at the same time, facilitate the commerce with her diamond regions near the head waters of the Itenez [Iteñez?]. This, with small steamers above the falls until those obstructions are removed, or avoided, is what Bolivia peculiarly requires; and it is the bribe which I fear Brazil will offer, and Bolivia accept, for her adhesion to the exclusion policy, unless some other mode of realizing this necessity is presented.

With high respect [etc.].

*John W. Dana, United States Minister Resident in Bolivia, to Lucas M. de la Tapia, Minister of Foreign Affairs of Bolivia*<sup>1</sup>

A

LA PAZ, March 6, 1858.

SIR: The Govt. of the undersigned has ordered to La Plata an expedition for the purpose of exploring the tributaries of that river. The expedition is purely of a scientific nature, and designed to act in harmony with the wishes of the Govts. which have rightful jurisdiction over the waters to be explored. The rivers Paraguay, Pilcomayo, and Bermejo drain important portions of Bolivia, and probably may be made valuable channels of their import and export trade.

The undersigned doubts not that the enlightened Govt. of His Excellency will look favorably upon this effort to add to scientific and geographical knowledge, and therefore refrains from presenting to it any suggestions relative to the value and importance of its results. But the Govt. of the undersigned, scrupulously regarding the jurisdictional rights of other States, will not carry to attainment and realization these results, however valuable and important they may be to the world at large, unless it can do so in accordance with the known wishes of the Govts. more directly interested.

For these reasons the undersigned addresses himself to His Excellency the Minister of Exterior Relations, asking an expression of the views and feelings of his Govt. in relation to the extension of this expedition into Bolivia, through the waters of the Paraguay, the Pilcomayo and Bermejo.

With sentiments of most high regard [etc.].

*Lucas M. de la Tapia, Minister of Foreign Affairs of Bolivia, to John W. Dana, United States Minister Resident in Bolivia*<sup>2</sup>

[TRANSLATION]

B

LA PAZ, March 9, 1858.

SIR: The undersigned has presented to the President of the Republic the note of His Excellency the Minister of the United States, of the 6<sup>th</sup> inst.,<sup>3</sup> in which, after informing that his Govt. had ordered a purely scientific expedition to La Plata, for the purpose of exploring the tributaries of that river, in harmony with the wishes of the States which have jurisdictional rights over their waters, he is pleased to ask the views and sentiments of

<sup>1</sup> Despatches, Bolivia, vol. 2, enclosed with Dana to the Secretary of State, No. 65, below, this part, doc. 440.

<sup>2</sup> Despatches, Bolivia, vol. 2, enclosed with Dana to the Secretary of State, No. 65, below, this part, doc. 440.

<sup>3</sup> Above, this part, doc. 438.

this Govt. in relation to the extension of that exploration into the rivers Paraguay, Pilcomayo and Bermejo.

The undersigned has been directed by the Prest. to answer His Excellency, Señor Dana, giving the approbation, and good will, of the Bolivian Govt. to the expedition projected, and ordered, by the Govt. of the United States, so far as it applies to the rivers Paraguay, Pilcomayo, and Bermejo, which carry to La Plata important waters of Bolivia. Far from imposing any limitations to the fluvial journeys of the exploring commission, the Govt. of Bolivia will lend to it all the auxiliaries which it may require, as soon as it shall be advised, by the authorities, of its arrival within the territory of the Republic; because it comprehends the magnitude of the effort, and the importance of its results, for science, for commerce, and for civilization.

With sentiments of the most distinguished consideration [etc.].

## 440

*John W. Dana, United States Minister Resident in Bolivia, to Lewis Cass, Secretary of State of the United States*<sup>1</sup>

No. 65

LA PAZ, March 13, 1858.

SIR: On reading the Message of the Prest., and the Report of the Secretary of the Navy, I regret to find that our relations with Paraguay are still unsatisfactory, and that that condition of things may probably prevent the exploration, by our expedition in La Plata, of the rivers Paraguay, Pilcomayo and Bermejo. Regarding its failure to do so as exceedingly unfortunate, and to be avoided if possible, I sought immediately an interview with the Prest. of this Republic to see if the cause which threatened it (the opposition of Paraguay) could not be obviated.

After I had explained to him the precise state of the matter, he told me that, immediately on the reception of a reply to his note to the Prest. of Paraguay, announcing his elevation to the Presidency, he would address him upon this subject, and, if possible, induce him to refrain from the interposition of any obstacles to the exploration. He told me also that the territory of Paraguay does not, in any part, extend to the west side of the river Paraguay; but that its western boundary is that river; and that, consequently, that Govt. can only exercise over the river a joint jurisdiction with Bolivia and the Argentine, precisely as it can exercise a joint jurisdiction with the Argentine over the Parana: although it is true that Paraguay *claims* territory on the west side of the Paraguay, as she also claims, or has done, the State of Corrientes on the south side of the Parana—and that, consequently, he regarded her right, derived from jurisdiction, to obstruct

<sup>1</sup> Despatches, Bolivia, vol. 2.

the exploration of the Paraguay, as resting upon no better foundation than her right to obstruct the exploration of the Parana. As to the Pilcomayo and Bermejo he denied to her all interests, rights, or jurisdiction, whatever; although she had asserted a preposterous claim to extend across the Paraguay and Pilcomayo to the Bermejo, making the latter river, instead of the Paraguay, her western boundary—but that even that claim, unfounded as it was, would only leave here a jurisdiction joint with the Argentine and Bolivia over the Bermejo. He also advised me, that a Minister from the Argentine had already arrived at Sucre, (Chuquisaca) with powers to negotiate a treaty of commerce, navigation, and limits, with Bolivia—that he would enter immediately upon the negotiation of the treaty—and that, if the Minister of the Argentine would consent to it, (of which he had no doubt) he would have incorporated into the treaty a declaration of the freedom of these rivers, not only to this scientific expedition, but to the flags of all nations for commercial purposes: and an agreement for joint action, if necessary, to enforce that principle upon Paraguay. I suggested, that, as there was a question of limits to be adjusted, probably, it would occupy so much time, that the treaty would be concluded too late to have any influence upon the exploring expedition. To this he replied, that he would leave the question of limits to a separate, subsequent, treaty, and arrange, at the earliest possible moment, that of navigation, so that the exploring expedition might have the benefit of the declaration which he proposed to insert. He also informed me, that the Argentine Govt. had determined to declare war against Paraguay on account of the violation of its rights of navigation, as recognized by former treaties, and that it only awaited, in doing so, the meeting of Congress. I told the Prest. it was possible that, under the full explanation which I intended to give of the condition of things, my Govt. might, if it had not already done so, give instructions for the exploration of the rivers interesting to Bolivia, (Paraguay, Pilcomayo and Bermejo) notwithstanding the continued opposition of the Govt. of Paraguay—that it would be more likely to do so under a formal expression of the wishes of his Govt. on the subject—and that, if he approved of it, I would address the Minister of Exterior Relations with a view to obtain that expression. To this he assented, expressing an earnest wish that the exploration of those rivers might be realized.

In accordance with this arrangement, I transmitted to the Minister, on the 6<sup>th</sup> inst., a note, a copy of which is attached, marked A,<sup>1</sup> and received, on the 9<sup>th</sup>, a reply, the translation of which is marked B.<sup>2</sup>

That my Govt. may have a more perfect idea of the question of jurisdiction over these rivers, and of the actual rights of Paraguay, upon which to found, if it wishes, future instructions to the exploring expedition, I will give a brief explanation of the existing conflict of titles or claims. As given generally

<sup>1</sup> Above, this part, doc. 438.

<sup>2</sup> Above, this part, doc. 439.

by the maps, the southern line of that part of Bolivia which is eastward of the head waters of the Bermejo is an imaginary line, drawn from the said head waters of the Bermejo, in an easterly direction, (I think near the 21<sup>st</sup> parallel of south latitude) to the river Paraguay. All the territory south of this line and between the rivers Bermejo and Paraguay, as far south as the junction of those two rivers, is claimed by the Argentine Republic, Bolivia, and Paraguay, and within it is included the mouth and a large portion of the valley of the Pilcomayo—a region represented as one of the most desirable and delightful in South America. I have given some attention to the question, and cannot find the slightest foundation for the claim of Paraguay to any portion of this territory—the river Paraguay, obviously, being intended as her western boundary. As to the merits of the respective claims of Bolivia and the Argentine I cannot so well judge, for I have not had that full access to ancient decrees and documents, applicable to the question which is necessary to form a reliable opinion. But Paraguay, bounded, as she should be, on the west, by the river Paraguay, is only entitled, as over the Parana, to a divided jurisdiction, to be shared with Bolivia, or with the Argentine—leaving her exclusive jurisdiction at no point; and leaving Bolivia and the Argentine, one, or both, in joint jurisdiction with Paraguay and Brazil during the whole course of the river. And if it be true, as just expressed, that Paraguay is bounded on the west by the river Paraguay, then, of course, she is excluded from all rights over the Pilcomayo and Bermejo. Paraguay being thus limited to a joint jurisdiction over the river Paraguay, and excluded from all jurisdiction over the Pilcomayo and Bermejo, it becomes a matter of no importance to the question of exploration and navigation whether the disputed territory belongs to the one or the other,—Bolivia or the Argentine—as this policy is the same, and our exploring expedition has full license from both to enter all these rivers—and shall Paraguay, with her unfounded territorial pretensions, and with her semi-barbarous policy, deprive us of that right, and also deprive the other two Republics, as well as the world at large, of the benefits of its exercise? But suppose that our Govt choose to regard the territorial claims of Paraguay as of such a nature as not to justify denial, or resistance, in the prosecution of this exploration—even then, giving the largest latitude to her pretensions, and treating the whole of the disputed territory as hers, she only extends westward to the Bermejo, and can only claim a joint jurisdiction with the Argentine over that river—leaving the same principles to govern its exploration and navigation as apply to the Parana. Under this view of the case our Govt. may feel it necessary to refrain from the exploration of the Paraguay and Pilcomayo, but it may prosecute that of the Bermejo, with as perfect a right as it has to explore the Parana.

But there is another principle under which we may justify the exploration of all these rivers—a principle which our Govt. has ever asserted, but has



never practically applied to the rivers of South America—and which, in my view, it may practically apply in this case under the most favorable, because disinterested, circumstances. I refer to the principle under which we have so long claimed from Brazil the right to enter the Amazon, and pass through her territory, to the States above. For the purpose of illustrating more clearly the application of that principle to the rivers in question (the Paraguay, Pilcomayo, and Bermejo) I will suppose Paraguay entitled to all, and even more than she claims,—undivided jurisdiction over the three, after they have passed the line to which I have previously<sup>1</sup> as given by the maps for the south line of Bolivia. Above, or to the north of that line, no one questions the rights of Bolivia; and there, in undisputed Bolivian territory, are the principal sources of all these rivers, and undoubtedly navigable. Conceding to her jurisdiction below, has Paraguay the right to prevent even a scientific expedition from passing through her waters into the waters of Bolivia, at the request of the Govt. of Bolivia? And if, under such circumstances, we permit our expedition to return without exploring these rivers, because the little Republic of Paraguay forbids it, can we, afterwards, convince Brazil that we are in earnest in the assertion of this principle, or that we will, if long denied, practically enforce it upon the Amazon? It appears to me that such a course is but a notice to Brazil that we are *not* in earnest in relation to the free navigation of the Amazon, and that she has only to persist in her denial to make it effectual. And, what is still worse, it is a notice to the interior States, that they cannot rely upon our co-operation in securing their rights of navigation—thus forcing them to accept the concessions and privileges which Brazil may offer, and to adopt, in return, her exclusive policy. My views of the probabilities and consequences of their doing so are given, at length, in despatch No. 62. In fact I consider as involved in this matter, not only the success, or comparative failure of our exploring expedition; but also the practical assertion, or the apparent abandonment, of the principle of the free navigation of the rivers of South America; and that that *apparent* abandonment, although not intended as such, will tend to produce such a change in the relations of parties as will deprive us, hereafter, of all pretence of a right to their navigation. If our Govt. wish to apply this principle, in its instructions to the exploring expedition, it will find full justification in doing so under the license from this Govt. contained in the note, above referred to, as attached marked B.;<sup>2</sup> and it was for the purpose of placing it in the strongest position possible for the assertion of the principle that I obtained the formal license.

It is possible that the intervention of this Govt. with that of Paraguay may induce it to withhold the anticipated opposition; or that the proposed treaty with the Argentine may change the aspect of the question. I shall

<sup>1</sup> The word following “previously” is illegible in the manuscript volume.

<sup>2</sup> Above, this part, doc. 439.

inform myself, and advise the Department, of whatever results may be attained.

Finding that full information in relation to the rights and jurisdictions, actual and claimed, over these rivers, might not be accessible to the Govt., and might be useful in determining its policy, I have taken the liberty to endeavor, in a measure to supply the deficiency, and trust that the effort may not be entirely fruitless.

With high respect [etc.].

## 441

*John W. Dana, United States Minister Resident in Bolivia, to Lewis Cass, Secretary of State of the United States* <sup>1</sup>

[EXTRACT]

No. 68

LA PAZ, May 13, 1858.

SIR: With this, I transmit a treaty, this day executed, between the United States and Bolivia. <sup>2</sup> . . .

The provisions of article 16, in relation to free ships and free goods, are the same as those contained in our treaty with Russia on that subject, but extending the freedom to persons, as well as property. Article 26 contains a declaration, as full as could be desired, of the principle of the freedom of the rivers Amazon and La Plata, with their tributaries, to exterior flags: and Article 27. allows us to put up, or construct, steamers on their Bolivian tributaries; and gives to them the interior or coasting, as well as exterior, trade with, and between, all places accessible to them. It is uncertain at what time a Congress may be convened here, and I have fears that the intervention and influence of Brazil may induce an opposition to the ratification of the provisions in relation to the rivers.

With high respect [etc.].

P. S. I find that a provision is omitted, in the English copy, which the Bolivian negotiator required to be added to the 13<sup>th</sup> Article; and at a time when it is impossible to prepare another copy. For that reason a sentence will be found added to that article on another paper attached.

I regard two features of the treaty as particularly important:

1<sup>st</sup> The declaration of the freedom of the rivers, in its bearing upon the general question of the navigation of the Amazon.

2<sup>d</sup> That it will preclude the concession of any exclusive privileges, upon the Bolivian tributaries, for the purpose of improving the rivers, or establishing navigation upon them, unless those concessions be made to citizens of the United States.

J. W. DANA

<sup>1</sup> Despatches, Bolivia, vol. 2.

<sup>2</sup> No copy of this treaty appears in the manuscript volume, but the most important articles are outlined in the despatch. The omitted portion reviews briefly, article by article, the provisions of the treaty.

## 442

*John W. Dana, United States Minister Resident in Bolivia, to Lewis Cass,  
Secretary of State of the United States*<sup>1</sup>

[EXTRACT]

No. 69

LA PAZ, May 13, 1858.

SIR: . . . The former Govts. of Bolivia have been in the habit of looking to Europe, and especially to France, for models and examples in all their efforts for improvement: and it is in a measure under the influence of my suggestions, coupled with a desire on the part of the present Govt. to learn from, and to establish more intimate relations with, our country, that this commission has been sent to the United States. In my view, friendly relations, and a pacific policy will extend, in the Spanish American countries, our interests, our commerce, and institutions, much more rapidly than all the fillibustering expeditions that can be devised. It is true that there are strong prejudices, jealousies, and fears, to be overcome, and our people have given *too much* foundation for them; but my judgment and experience is, that they readily yield to liberal, frank, honorable, dealing. The allusion by Prest. Buchanan, in his annual message, to our relations with Spanish America, and his special message in relation to the seizure of Walker, both of which I have translated and had published here, have had a strong influence in correcting public sentiment, and have produced a very favorable impression upon the Govt.

With high respect [etc.].

## 443

*John W. Dana, United States Minister Resident in Bolivia, to Lewis Cass,  
Secretary of State of the United States*<sup>2</sup>

No. 70

LA PAZ, May 28, 1858.

SIR: In my despatch No. 68,<sup>3</sup> which accompanied the treaty, I had not time to remark, as fully as I desired, in relation to Articles No. 26 and 27, which articles I regard as the important nature of the treaty.

First, they furnish a basis, and perfect justification, for any measures our Govt. may see fit to adopt in resistance of the exclusive policy of Brazil in relation to the Amazon, or of Paraguay in relation to the Paraguay.

Again, by giving us the right of constructing steamers upon, and of navigating all the Bolivian rivers, and, in addition to the exterior trade, the carrying and traffic between all the places upon them, this Govt. is precluded from granting any exclusive privileges to induce the improvement and navigation of any of these rivers, except it be to citizens of the United States.

<sup>1</sup> Despatches, Bolivia, vol. 2. The omitted portion tells of a commission's going to the United States to get a map published, and to study penal and other institutions.

<sup>2</sup> Despatches, Bolivia, vol. 2.

<sup>3</sup> Above, this part, doc. 441.

European capitalists are giving attention to these rivers, especially the tributaries of the Amazon, and several propositions have been made by them for removing the obstructions and establishing lines of steamers. One formal proposition, made about two years since, by a French Co., asked the exclusive navigation of the rivers for 99 years. I succeeded, at the time, in preventing its acceptance, by representing the duration of the exclusive right as unreasonable, and by various other considerations and influences which I brought to bear.

I consider, however, that the only means which this Govt. can command for the introduction of navigation upon its rivers, is the granting of an exclusive right for a term of years; and that the country to whose flag is conceded that exclusive right will, during that term of years, secure a commanding influence here in the heart, and, perhaps, in the future, the most important part, of South America. The treaty, if I am as fortunate in its ratification as in its negotiation, will secure to our flag this exclusive right, if it is granted at all, because it precludes such commission to any other.

Here then are concisely the important features of this treaty:

1<sup>st</sup> That the country which has an unquestioned right to so asserts [*sic*] the doctrine of the freedom of the Amazon and La Plata, with their tributaries, to exterior flags.

2<sup>d</sup> That, being under the necessity of granting exclusive rights for the improvement and navigation of its own tributaries, those exclusive rights must necessarily be granted to us, and, as a consequence, we will secure a permanent commercial and political influence in the country granting them, and an influence indirect, but substantial, in all the countries which we traverse to reach it, which includes a large portion of South America.

That this Govt is prepared and anxious to make liberal concessions to any Co. that will undertake the navigation of its rivers there is no doubt.

It should be borne in mind that Bolivia, as is shown by the map to which I referred in No. 69,<sup>1</sup> extends below the obstructions on the Madera, leaving her territory perfectly accessible to steamers from the ocean.

The Govt. expects to leave here in about two weeks for the capital, (Sucre) and, if things remain quiet, will probably convene a Congress there. If that is done, I shall proceed to Sucre with a view to secure the ratification of the treaty, which may be endangered by Brazilian influences, or by its conflict with proposals which may be received from any other quarter for the navigation of the rivers.

Final action being had upon this subject, I shall ask my recall, not wishing to remain here, at the longest, beyond the early spring (March or April)

With high respect [etc.].

<sup>1</sup> Above, this part, doc. 442.

## 444

*John W. Dana, United States Minister Resident in Bolivia, to Lewis Cass, Secretary of State of the United States*<sup>1</sup>

No. 71

LA PAZ, June 13, 1858.

SIR: The treaty between the United States and the Argentine Confederation, in relation to the free navigation of the tributaries of La Plata, signed July 10<sup>th</sup> 1853., provides in article 7. that Bolivia, as well as other States, may become a party to said treaty. The treaty, as it now stands, only applies to the Parana and Uruguai, but, under said Article 7, the adhesion of Bolivia would bind the Argentine, as well as Bolivian Govt., to apply the same principles to the Paraguay, and its tributaries the Pilcomayo and Bermejo. The Argentine Govt. has, already, granted concessions to a Co. for the navigation of the Bermejo inconsistent with the freedom of that river; but the Co. have failed to comply with the conditions of the concessions, and, if the treaty was made to apply to the river, I presume that the Govt. would refrain from their renewal, or any act inconsistent with it. The Bermejo, in its immediate aspects, is more important to our commerce than any other tributary of La Plata, because points near to the cities and provinces of Tucuman, Jujuy, Salta, and Oran in the Argentine, and Tarija in Bolivia, can be reached by that route, and their commerce, now important, secured. In discussing the provisions of the treaty recently concluded with this Govt., I proposed a distinct reference to the Argentine treaty, making Bolivia a party to it; but was answered, that, although Bolivia was willing and desirous to become a party, still she could not properly do so, until *formally* invited by one of the original contracting parties; and that, on receiving such an invitation, she would give her distinct adhesion. The general principles of the Argentine treaty are also in the Bolivian, but there are matters of detail in application in both, which can only be secured by Bolivia becoming a party to the former—especially, as I remarked above, the binding of the Argentine Govt. to apply the same free principles to the Paraguay and its tributaries.

For these reasons, and also as an indication of consideration and respect for this Govt., I would suggest that an official copy of the Argentine treaty be forwarded to this Legation, and that it be instructed to request the Bolivian Govt. to become a party to the same.

With despatch No. 55, of date Dec. 28<sup>th</sup>,<sup>2</sup> I transmitted an autograph letter from the Prest. of Bolivia to the Prest. of the United States, and have not as yet received his reply. Perhaps in the pressure and excitement attending the present session of Congress the subject has been overlooked. A reply to a similar letter, and recognition, has been received from England

<sup>1</sup> Despatches, Bolivia, vol. 2.

<sup>2</sup> Dana's No. 55 was not copied; it consisted chiefly of an account of the inauguration of the new government. No copy of the letter to the President of the United States was found in the manuscript volume.

and France, and, as these people are very sensitive in relation to all matters of etiquette, I would suggest the propriety of an early response from Prest. Buchanan, if one is not now on the way.

The British Govt. has expressed to this, its intention of resuming Diplomatic relations, and has already appointed a Minister to Bolivia.

With high respect, [etc.].

## 445

*John W. Dana, United States Minister Resident in Bolivia, to Lucas M. de la Tapia, Minister of Foreign Affairs of Bolivia*<sup>1</sup>

B

LA PAZ, October 3, 1858.

SIR: The undersigned, Minister Resident of the United States, has the honor to advise His Excellency the Minister of Exterior Relations that after the informal conference which he held with His Excellency, some months since, in relation to the treaty between the United States and the Argentine Confederation which provides for the free navigation of certain tributaries of La Plata, he advised his Govt. of the willingness of that of Bolivia to become a party to said treaty, in accordance with one of its provisions:<sup>2</sup> and that, immediately on the reception of this information, his Govt. directed him to invite the Govt. of Bolivia to give its formal accession to said treaty, and transmitted to him full powers to act in the premises.<sup>3</sup>

These directions and full powers the undersigned has just received; and, while he regrets his absence from the present residence of the Govt., and his consequent inability to confer personally with His Excellency, he regards the matter as one so simple in its details that it can be concluded by correspondence only.

He therefore transmits to His Excellency the Minister a copy of his full powers, requesting from him as early an attention to the subject as other duties will permit, for the reason that these full powers only apply to himself, and that he has been officially advised of the appointment of his successor, whose arrival here may be expected within two months.

This proposed accession in the view of the undersigned, may be effected, either by a declaration of accession on the part of the Govt. of Bolivia, made by one duly authorised to execute it, or in the more formal manner of a treaty duly executed by the authorised agents of both Powers. The form which appears most proper to His Excellency will be readily adopted by the undersigned.

He would further suggest, if His Excellency determines upon a treaty as

<sup>1</sup> Despatches, Bolivia, vol. 2, enclosed with Dana to the Secretary of State, No. 74, below, this part, doc. 446.

<sup>2</sup> In Dana's No. 71, above, this part, doc. 444.

<sup>3</sup> Cass to Dana, No. 18, of August 19, 1858, above, this volume, pt. 1, doc. 393.

the most proper form, that he prepare and transmit a draft to the undersigned for his examination; or, if his occupations are such as to render that inconvenient, the undersigned will prepare and transmit one for the examination of His Excellency. The treaty, after having been agreed upon, could be executed, there on the one part, and here on the other. If, on the other hand, the form of a mere Declaration of accession is adopted, it will be only necessary to transmit the same, properly executed on the part of the Govt. of Bolivia, to the Prest. of the United States for publication. Whether the form be treaty or declaration, it should embody the treaty between the United States and the Argentine Confederation; and, if His Excellency finds it desirable for the undersigned to prepare the draft for a treaty, he will much oblige him by the transmission of the copy in his possession of the treaty referred to, as said treaty is not in the archives of this Legation.

These suggestions are hastily made for the purpose of eliciting the views and opinions of His Excellency the Minister upon the subject.

It may perhaps be proper to remark, that the treaty between the United States and the Argentine Confederation, in its present state, only applies to the rivers Parana and Uruguay; but that, in accordance with its provisions, the accession of Bolivia would make it applicable to the Paraguay, and, I think, its tributaries, and thus render impossible the adoption of any exclusive policy on the part of the Argentine Govt. in relation to those waters.

The undersigned [etc.].

446

*John W. Dana, United States Minister Resident in Bolivia, to Lewis Cass, Secretary of State of the United States*<sup>1</sup>

[EXTRACT]

No. 74

LA PAZ, October 12, 1858.

SIR: . . . At the same time, in accordance with the instructions in No. 18,<sup>2</sup> I forwarded to the Minister another note inviting negotiations, by correspondence, for the adhesion of Bolivia to the treaty between the U. S. and the Argentine Confederation, transmitting a copy of my full powers, and requesting an early attention to the subject as the full powers only applied to myself, and I expected, in a short time, to be relieved by the arrival of my successor. A copy of this note is attached marked B.<sup>3</sup> By the return post, yesterday, I received no reply; but a friend in Oruro writes me that my communications are in his hands for translation, and will be answered by the next post.

This negotiation by correspondence will, of course, be attended with some

<sup>1</sup> Despatches, Bolivia, vol. 2. The omitted portion tells of the transfer of the government to Oruro.

<sup>2</sup> Above, this volume, pt. I, doc. 393.

<sup>3</sup> Above, this part, doc. 445.

delay, as the post between this, and Oruro is only weekly; but I hope to be able to conclude it before my departure. If still unfinished on the arrival of my successor, but in such a state that a few days will suffice for its completion, I shall await its termination before presenting my letter of recall, if such a course meets the approval of my successor.

The Nos. of these despatches (17 and 18) indicate that there are three despatches from the Department, Nos. 14, 15 & 16, which have not reached the Legation; as the last despatch received previous to 17 & 18 was No. 13, dated Oct. 5, 1857. The Department, aware of their nature, can judge of the necessity of furnishing the Legation with duplicates.<sup>1</sup>

With high respect [etc.].

447

*John W. Dana, United States Minister Resident in Bolivia, to Lewis Cass,  
Secretary of State of the United States*<sup>2</sup>

No. 76

LA PAZ, October 26, 1858.

SIR: I have recently received a communication from a gentleman<sup>3</sup> who is at the side of the President, and his confidential friend, though not in office, asking me, in case it should become necessary, for the purpose of avoiding war with Peru, to propose the mediation of the United States, whether such mediation would be accepted. I have replied that I should consider any kind offices tending to preserve peace and remove the present misunderstandings between the two Govts., as but a manifestation of the interest which the Govt. of the U. S. really feels for the prosperity and advancement of the two countries; and I doubted not that my successor, on his arrival, would take the same view of the subject. But that I did not regard it as delicate or proper under the circumstances that a proposal for such mediation should originate in me.

The correspondence in relation to the adhesion of Bolivia to the Argentine treaty is progressing, and I hope to bring it to a satisfactory termination before my departure, although some delay is caused by the fact that my suggestion, in No. 71,<sup>4</sup> that the Legation be furnished with a copy of the Argentine treaty, was, unfortunately, overlooked by the Department.

With high respect [etc.].

<sup>1</sup> None of the despatches mentioned in this last paragraph, excepting No. 18, is pertinent to this publication.

<sup>2</sup> Despatches, Bolivia, vol. 2.

<sup>3</sup> No copy of the communication referred to was found in the manuscript volume; its contents are indicated here.

<sup>4</sup> Above, this part, doc. 444.



## 448

*John W. Dana, United States Minister Resident in Bolivia, to Lewis Cass, Secretary of State of the United States*<sup>1</sup>

No. 78

LA PAZ, December 10, 1858.

SIR: In my No. 76<sup>2</sup> I remarked that a friend of President Linares had, by letter, made the inquiry, whether I would consent to act in the premises, provided a mediation or arbitration between the Govts of Bolivia and Peru should be found necessary. One of the Ministers of State Señor Fernandes [Fernández?] has recently been named Minister to Peru; with full powers to settle the questions at issue; and on his journey through La Paz to Lima he had a conference with me upon the subject. He hopes to be able, by direct negotiation, to remove all obstacles to friendly relations; but, still, regards it as possible that mediation may be found necessary, and my services desirable. I expressed to him my willingness to aid in the accomplishment of the object, if a short delay at Lima on my return to the United States would suffice. I did not think it well for our relations and interests here to decline; but the probability is slight that my services will be required. There may be a question of the propriety of my acting in the matter as my official relations with this Govt. will, at the time, have ceased. If the Department should regard it as improper or objectionable I should be happy to be advised to that effect by a communication under cover to Mr. Clay our Minister at Lima. Such a communication would reach there before it will be possible for me to do so.

I have received from this Govt. the commission of Mr. Lewis Tod as Consul at Cobija with his execuatur duly executed thereon, and have forwarded it to him at that place.

With high respect [etc.].

## 449

*John W. Dana, United States Minister Resident in Bolivia, to Lewis Cass, Secretary of State of the United States*<sup>3</sup>

No. 80

LA PAZ, December 27, 1858.

SIR: I have received, by the last post from Oruro, the Declaration of adhesion of Bolivia to the Argentine treaty. Not having time to prepare a translation I defer its transmission until the next steamer.

My successor Genl. Smith has arrived and delivered to me Despatch No. 19<sup>4</sup> and my letter of recall which accompanied it. The Govt. is still at Oruro, but there being uncertainty in relation to its movements, Genl. Smith will remain here a short time to ascertain them more definitely, before taking steps for his presentation.

<sup>1</sup> Despatches, Bolivia, vol. 2.

<sup>3</sup> Despatches, Bolivia, vol. 2.

<sup>2</sup> Above, this part, doc. 447.

<sup>4</sup> Not copied for this publication.

Feeling a deep interest in this country, and the importance of maintaining with it the most kindly relations, I am very happy to find in my successor a gentleman so well calculated from his habits, manners, and sentiments to command the esteem, respect, and good will of both Govt. and people. I have no doubt that, in his hands, the interests of our country will be advanced, and that, under his influence, Spanish American prejudices will be softened.

With high respect [etc.].

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*John Cotton Smith, United States Minister Resident in Bolivia, to Lewis Cass, Secretary of State of the United States*<sup>1</sup>

No. 10

LA PAZ, July 13, 1859.

SIR: Notwithstanding rumours of difficulty between this country and the neighbouring Republic of Peru, every thing as yet remains in a state of peace and tranquility. Diplomatic relations have been suspended between the two countries, and an invasion of Peru may perhaps be attempted, but up to this time, there are no signs of such an event.

It is not probable that a Congress will be called in Bolivia the present year.

But while there is nothing in the condition of this Republic to need extended remark, I cannot but bring to the notice of your Excellency the favourable effect produced upon the popular mind as respects the United States, by the successfull and glorious result of the expedition to Paraguay. It has raised the North American character very much in Bolivia, and if followed up as I hope it will be by prompt action in relation to the insults and outrages committed by other South American States upon the persons and property of our citizens, the happiest consequences are certain to follow. Heretofore England and France have entirely overshadowed the United States in relation to the influence exerted and the respect inspired upon the South American mind. A few more expeditions like that to Paraguay; a prompt demand for satisfaction whenever insults are offered or outrages committed, will soon teach the people of this Southern Continent that the great Republic of the North cannot be spoken of with disdain, nor injured with impunity.

With the highest respect [etc.].

<sup>1</sup> Despatches, Bolivia, vol. 2.

451

*John Cotton Smith, United States Minister Resident in Bolivia, to Lewis Cass, Secretary of State of the United States*<sup>1</sup>

No. 8<sup>2</sup>

LA PAZ, October 13, 1859.

SIR: By the last Mail I have had the honour to receive a despatch from the Dept of State dated July 27<sup>th</sup>,<sup>3</sup> containing a communication for the Bolivian Minister for Foreign Affairs, and another with an accompanying letter for Lieut Page.

The former I have in accordance with instructions, presented to Señor Don Tomas Frias now holding the office of Minister for foreign affairs for this Republic. He expressed himself greatly pleased to learn that Lieut Page was to continue the exploration of the South American rivers, and said that no efforts would be wanting on the part of the Bolivian government to aid and assist him in every possible and acceptable manner. In the interior of this Republic (the Departments of Chuquisaca and Cochabamba), much interest is felt in opening up the navigation of the rivers to the commerce of the United States.

On the 28<sup>th</sup> of the last month, the government of Bolivia arrived at La Paz from Chuquisaca. It will probably remain here several months, and until all the questions are regulated between Bolivia and Peru. At present, the state of feeling between the two Governments is by no means of a pleasant or satisfactory description. I am sorry to be obliged to state, that the health of President Lenares appears to be somewhat feeble. For the sake of the country to whose best interests his continuance in office seems indispensable, I earnestly hope that he may speedily regain his usual strength; and long possess the power which he worthily wields for the honour and happiness of the Bolivian Republic.

With sentiments of the highest Respect [etc.].

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*John Cotton Smith, United States Minister Resident in Bolivia, to Lewis Cass, Secretary of State of the United States*<sup>4</sup>

No. 7

LA PAZ, June 1, 1860.

SIR: I have the honour to inform you that the differences between this Government and that of Peru seem at last to be approaching a serious crisis.

<sup>1</sup> Despatches, Bolivia, vol. 2.

<sup>2</sup> Smith appears to have numbered his despatches very irregularly.

<sup>3</sup> This despatch was not copied. No copies of the enclosures referred to appear in the volume of Instructions.

<sup>4</sup> Despatches, Bolivia, vol. 2.

Active hostilities indeed have not yet commenced, though the army of this Republic is placed upon a war footing, and every preparation is being made either to repel an invasion from Peru, or if necessary to make one upon the territory of that power.

In the mean time as a preliminary measure of hostile intentions, a decree of interdiction or complete nonintercourse of a commercial and business character with Peru, has been declared by this government and will this day go into full and complete operation. The government of Bolivia has shown in every possible manner consistent with its honour and dignity, a disposition to cultivate and maintain friendly relations with that of the neighbouring Republic, but the peculiar character of the Chief Magistrate of Peru seems to render all such efforts unavailing, and every renewed attempt at propitiation is only met with fresh outrage and by repeated insult.

What will be the result of the present state of feeling between the two Republics it is impossible clearly to discover, but that right and justice are on the side of Bolivia in this dispute is distinctly evident to every intelligent and impartial observer.

With the highest respect [etc.].

453

*John Cotton Smith, United States Minister Resident in Bolivia, to Lewis Cass, Secretary of State of the United States*<sup>1</sup>

LA PAZ, December 15, 1860.

SIR: I have the honour to inform you that this Republic is at the present time in the enjoyment of perfect peace and tranquillity under the rule of its able and patriotic Chief Magistrate President Lenares—

In August last, Genl Belzu formerly President of Bolivia, organized in Peru an insurrectionary movement against the present government. He advanced from Tacna to Puna a place upon the border of the great Lake of Titicaca, some sixty miles from the frontier of Bolivia. His friends made a plundering excursion over the border, and incited the Indians to murder two Bolivian officers by the promise of freeing them from the payment of their ancient and customary tribute if they would assist in changing the government, and in giving it to Belzu.

This appeal to the savage passions and cupidity of an inferior race, had the effect to rally the respectable portion of the Bolivian people more closely around President Lenares who represents in his own person the white element of the population. Belzu finding that the feeling was so strong against him in Bolivia, and that no impression could be made against the govern-

<sup>1</sup> Despatches, Bolivia, vol. 2. This despatch bears no number.

ment, about the first of November, disbanded his party, and fled to the coast.

This government is apprehensive of an invasion by President Castilla of Peru after the rainy season is over next May or June, but from the present reported condition of the Republic of Peru, I consider this apprehension to be destitute of the smallest foundation.

With great Respect [etc.].

PART III  
COMMUNICATIONS TO BRAZIL

## COMMUNICATIONS TO BRAZIL

454

*Edward Livingston, Secretary of State of the United States, to Ethan A. Brown, United States Chargé d'Affaires at Rio de Janeiro*<sup>1</sup>

[EXTRACTS]

No. II

WASHINGTON, June 16, 1831.

SIR: I have to acknowledge the receipt at this Department of your several despatches, from N<sup>o</sup> 1 to 7, inclusively, . . .

The President approves no less of your conduct in declining the invitation of the European diplomatic corps to visit the Ex-emperor for the ostensible purpose of ascertaining the authenticity of his abdication—such a step, even if it concealed no ulterior views, must have been suspicious to the New Government, and could be productive of no good. Your prudence in refusing to sign the address of the foreign diplomatic Agents claiming protection for their countrymen is also duly appreciated. The application showed either an unwarrantable distrust, or an insulting affectation of it.

<sup>1</sup> Instructions, American States, vol. 14.

Ethan A. Brown, of Ohio, to whom this instruction was addressed, was commissioned chargé d'affaires to Brazil on May 26, 1830. His first despatch from Rio de Janeiro, dated February 28, 1831, states that he did not reach his post until March 12. He left it on April 11, 1834.

While this is the first instruction to him, containing matter which properly falls within the limits of the present publication when both date and subject-matter are considered, the following portion of an earlier instruction, transcribed from the same volume, is incorporated in this footnote, since, if it had been written a little more than two months later, it would properly have fallen within the scope of the collection; and, of course, it influenced his conduct as much as if it had fallen within the chronological limits:

*Martin Van Buren, Secretary of State of the United States, to Ethan A. Brown, United States Chargé d'Affaires at Rio de Janeiro*

[EXTRACT]

No. 2

WASHINGTON, October 20, 1830.

SIR: . . . Of the remaining general duties of your mission, one will be to watch attentively the progress of the Brazilian Government and nation towards that state of complete political organization at which it is the wish of this Government to see all the South American States safely arrived,—to keep this Department informed of every occurrence of general interest which may tend to illustrate the principles and spirit of the Imperial Government, and to communicate such observations as will arise in your mind as to the general condition of the country and its relations with other States. Like all other nations enjoying the advantages of representative and popular institutions, the Brazilian people must be divided into political parties. Although it may be useful for you to form a proper estimate of their views and of their influence in public affairs, yet you cannot be too careful to avoid every connexion with any of them, or to refrain from every indication in your acts and conversations, of any preference for particular ones over others. A perfect neutrality, in this regard, is indispensable to the preservation of the respect and confidence which should always be attached to the diplomatic character, and which cannot be forfeited without detriment to the interests confided to a public Agent. The utmost caution is, therefore, recommended to you in this respect, and, in transmitting to this Department the result of your observations upon all these points, you will use every precaution which prudence may suggest for the security of your despatches, and to guard against the disclosure of any remarks in which you may indulge, which could produce unfavorable impressions as to the feelings of the Government and people of the United States towards Brazil.

I am, with great respect, [etc.].

II. A new letter of introduction to the present Secretary of State for Foreign Affairs, under the New Government, has been prepared by direction of the President, and is herewith transmitted to you, with a copy of it for your perusal. Upon delivering that letter, which you will take an early opportunity of doing, you will express the very friendly sentiments which the President continues to entertain towards the Government and people of Brazil.

The rule of conduct which you adopted with regard to the change referred to, in the Government to which you were accredited, is that which it will be proper for you to observe in reference to any other political changes which may happen at the same place, during your residence there; of keeping up an official intercourse, and transacting the business of your Legation with the new depositaries of the public power, provided they are well established. Of those changes, however, it will be well for you to keep this Government regularly informed. . . .

I am [etc.].

## 455

*John Forsyth, Secretary of State of the United States, to William Hunter, United States Chargé d'Affaires at Rio de Janeiro*<sup>1</sup>

[EXTRACTS]

No. 6

WASHINGTON, September 17, 1834.

SIR: You have already received your Commission as Chargé d'Affaires of the United States to Brazil and have taken the oath prescribed by the Constitution. . . .

Your presentation to the Regents by the Minister of Foreign Affairs will afford you an opportunity which you will embrace to express in a suitable manner the gratification the President derives from renewing the intercourse between the two Governments through the channel of a diplomatic agent of the United States at Rio de Janeiro, and his confident hope that the few remaining subjects of discussion between them will speedily be adjusted to their mutual satisfaction that their relations of concord and good will may be still stronger cemented and still further improved.

I have the honor [etc.].

<sup>1</sup> Instructions, Brazil, vol. 15.

William Hunter, of Rhode Island, was commissioned chargé d'affaires to Brazil on June 28, 1834. On September 13, 1841, he was commissioned envoy extraordinary and minister plenipotentiary, presenting his credentials as such, on January 1, 1842. He took leave on December 9, 1843.



## 456

*John Forsyth, Secretary of State of the United States, to William Hunter, United States Chargé d'Affaires at Rio de Janeiro* <sup>1</sup>

No. 8

WASHINGTON, November 15, 1834.

Sir: Your communication numbered 10.<sup>2</sup> announcing that you would sail from Norfolk in the ship Louisiana by the 20<sup>th</sup> instant has been received. In accordance with your request, the trunk and box containing the books and papers specified in your Personal Instructions are herewith sent to you by Mr. William Hunter Jr of this Department.

The enclosed copies of correspondence relate to recent efforts of this Government to bring about an acknowledgement by Spain of the independence of her former Colonies in this hemisphere.<sup>3</sup> It is hoped that your position at the Capital of Brazil whose territory is bounded on all sides by some of those States, will enable you to further the President's object by imparting his benevolent wishes and doings to the representatives of those States who reside at Rio de Janeiro, and to their influential citizens who frequent that City. In discharging this duty, however, you will exercise your best judgment, and will endeavour to convey the impression that as our sympathy and interposition have been disinterested, we conceive we have a right to expect that in any arrangement which may be entered into with Spain for the object in question, no commercial or other privilege will be conceded to her to the disadvantage of the United States.

I have the honor [etc.].

## 457

*John Forsyth, Secretary of State of the United States, to José F. da P. Cavalcanti de Albuquerque, Brazilian Chargé d'Affaires at Washington* <sup>4</sup>

WASHINGTON, December 11, 1834.

Sir: I received on the 29th ultimo the letter which you did me the honor to address to me under date the 6<sup>th</sup> of that month,<sup>5</sup> accompanied by a copy of the law relative to the amendments recently introduced into the Constitu-

<sup>1</sup> Instructions, Brazil, vol. 15.

<sup>2</sup> Not included in this publication.

<sup>3</sup> No copies of the enclosures referred to were found with the file copy of the instruction. See below, the volumes and parts containing Communications to and from Spain, especially, and also several of those of the Spanish-American countries, notably Colombia.

<sup>4</sup> Notes from Brazil, vol. 6.

José Francisco de Paula Cavalcanti de Albuquerque, to whom this note was addressed, presented his credentials as chargé d'affaires of Brazil, on December 31, 1833. He took leave on July 23, 1838. Again, on May 29, 1856, he presented credentials. On August 26, 1858, he gave notice of an intended temporary absence; but he appears not to have returned within the period to which the present publication is devoted.

<sup>5</sup> Not included in this publication.

tion of Brazil, in whose welfare you are correct in supposing that the Government of the United States takes a lively interest.

With you, I cherish the persuasion, that by the recent changes, assimilating in some degree the Constitution of Brazil to that under which the United States have so greatly prospered, another motive is given for perpetuating the friendly relations that happily exist between our respective countries.

I have the honor [etc.].

## 458

*John Forsyth, Secretary of State of the United States, to William Hunter, United States Chargé d'Affaires at Rio de Janeiro* <sup>1</sup>

[EXTRACTS]

No. 28

WASHINGTON, November 29, 1836.

SIR: Your despatches to N<sup>o</sup> 45, inclusive, with the exception of N<sup>os</sup> 36 and 39, (of which you will transmit duplicates) have been received.<sup>2</sup>

The President learnt with some surprize and with great regret that a commercial treaty partial in its provisions had been concluded between Brazil and Portugal. Before he received intelligence of the signing of the treaty, he was not aware, as you appear to have been, that a negotiation for that object was on foot at Rio de Janeiro.

It is undeniable that our own treaty with Brazil expressly recognises her right to enter into any commercial arrangement she may choose with Portugal. We are at liberty to expostulate with her, however, in regard to any such convention which may be deemed prejudicial to the commercial interests of the United States. . . .<sup>3</sup>

It would be proper and perhaps not unavailing for you to advert to the fact that the United States first acknowledged the independence of Brazil. The political form of that government occasioned no hesitation in its recognition by ours and the measure was adopted with an alacrity and with a disregard of consequent risks which gave us a right to expect that no privilege would be extended to any other nation in the Brazilian Empire in which we might not equally share. We have never sought and do not desire exclusive commercial advantages from any of the American States. The disinterestedness of our policy in relation to them is notorious. It will not be denied that from our frank avowal of that policy and from our prompt and decisive steps in accordance with it, those states have derived material benefit. Asking nothing from their gratitude, we deem our claim to their justice to

<sup>1</sup> Instructions, Brazil, vol. 15.

<sup>2</sup> None of the three despatches mentioned by number was found to be pertinent to this publication.

<sup>3</sup> The omitted portion discusses, in detail, the disadvantages, to Brazil and to the United States, to be expected from the treaty which the former had signed with Portugal.

be irresistible. This claim would certainly be disregarded if our commerce with those states should not be put upon a footing of entire equality with that of all other nations. A conviction of the strength of this claim probably led the Department to direct Mr. Tudor to remonstrate against the introduction of the exception in favor of Portugal into the treaty which he was authorized to conclude, and to consent to it only in the event of its being made a *sine qua non*. The fruitless result of his zealous and able efforts for this purpose is imputable chiefly, as is believed, to the circumstance that the European powers who had preceded us in negotiating with Brazil, had agreed to the exception from motives of policy peculiar to themselves. Mr. Tudor was assured by the Brazilian negotiators that it would not be used to affect trade and that its object was to enable Brazil to encourage emigration. The treaty made with Portugal in consequence of the exception disproves the first assertion, and Mr. Tudor's reply that emigration would take place without holding out peculiar inducements to the Portuguese, was conclusive. But even if it were otherwise, the surplus population that Portugal could spare, would never make a material addition to the inhabitants of a country so vast as Brazil, and certainly not one, sufficient to compensate for the certain and probable consequences of the partial and indefensible exception.

If it should be said that, having formally agreed to the exception, we ought not to characterize as unjust any measures Brazil may adopt, founded upon it, it may be answered that if one nation enters into a covenant with another materially injurious to a third for whom she professes friendship, without palpable advantage to herself or one which she could not gain in any other way, the injured party would have just cause to complain. Such an act differing little from actual injustice, would be indubitable evidence of unfriendliness.

Intelligence recently communicated by Mr. Kavanagh from Lisbon, affords additional incentives to frustrate the ratification of the treaty. He states that its ratification by the Portuguese Government had been strongly opposed in the council of Ministers, which had postponed final action on the instrument until they should hear of its fate in the Brazilian Legislature. The British Representative in Lisbon had exerted himself to defeat the ratification, and had invited Mr. Kavanagh to remonstrate on the part of the United States, informing him that if adopted, he should consider it as putting an end to the negotiation of a treaty with Great Britain.

I have the honor [etc.].

*Abel P. Upshur, Secretary of State of the United States, to George H. Proffit, United States Minister to Brazil*<sup>1</sup>

No. 2

WASHINGTON, August 1, 1843.

SIR: The treaty between the United States and Brazil, concluded in 1828, expired, so far as it related to commerce and navigation, in December, 1841. Although that treaty was decidedly favorable to the United States, yet it is not known that Brazil has availed herself of the fact that it has expired, in order to place herself upon more advantageous ground in regard to us. On the contrary, it is believed that the same friendly spirit in which the treaty was formed has continued to be felt and that the same rate of duties which the treaty established still prevails, without any material change or modification. The United States therefore have not suffered by the expiration of the treaty. But as it is altogether uncertain how long Brazil will be able or willing to continue the present state of things, it is highly desirable that our commercial relations with that country should be placed on a more certain and secure footing.

It is not probable, I think, that Brazil will be willing to negotiate upon this subject at this time. By her treaty with England, concluded in 1827, she conceded great advantages and subjected herself to very injurious restrictions. This treaty was made a precedent for others, and particularly for that with the United States; and thus Brazil found herself in a position in regard to the principal nations of the world, altogether disadvantageous to herself; but one which, nevertheless, she could not change, without a breach of faith. It is understood that she does not consider that she can treat upon terms of equality until this treaty with England shall have expired, and this will not be until August, 1844. Even therefore if she should refuse to treat with us, under the existing state of things, we cannot regard it as a proof of unfriendliness, particularly as she has shown a willingness to extend to us all the benefits of our late treaty, without any express agreement to that effect.

Although it is highly desirable that our relations with that country should be placed on a more certain basis than that on which they now stand, yet it is perhaps doubtful whether or not the first movement should come from us. There is every reason to suppose that the feeling of the people of Brazil is more kind towards the United States than towards England or France. It is true that her trade with England is greater in amount than her trade with us, but it is also true that it is less advantageous to her. The balance of trade with England is always largely against her, and the demands of England are considered by her as altogether too exacting. Hence she will

<sup>1</sup> Instructions, Brazil, vol. 15.

George H. Proffit, of Indiana, to whom this instruction was addressed, had been commissioned envoy extraordinary and minister plenipotentiary, on June 7, 1843. He took leave on August 10, 1844, his appointment not having been confirmed by the Senate.

naturally be desirous to extend as far as possible and at the same time consolidate her commercial relations with us, from whom she will naturally expect a more liberal treatment. But she will not, as I have before remarked, attempt to do this until she shall be disembarrassed of her present treaty with England. In the meantime, you will endeavour as far as possible, to learn her views, so that you may be prepared to act, whenever the proper time for action shall arrive.

In all your negotiations and conversations upon this subject, you will bear in mind that the United States always act upon the principle of the perfect equality of nations. We acknowledge no superior claims of any one country over those of others, except such as rest on fair equivalents. We are willing to treat with Brazil on terms of perfect reciprocity in all respects, and we should therefore justly regard as unfriendly to us, any discrimination in favor of any other country. There is no reason why we should not be placed upon the footing of the most favored nation, in every respect.

The commerce of this country with Brazil is of very great and rapidly increasing importance. The resources of that immense country are not yet half developed and it is impossible to calculate the extent to which she will ultimately be able to supply the wants of the rest of the world. Nothing is necessary but judicious systems at home and proper foreign connexions to insure to her the highest degree of prosperity. She is now no longer a dependence of Portugal, but a separate and independent power. Her form of government is in some degree popular and all her institutions are beginning to be placed on a more liberal basis. The usual and necessary consequences are beginning to be felt. Brazil feels her importance in the family of nations and her people see that they may reasonably expect to receive, for their own use, the proper rewards of their enterprize and industry. Hence an increased necessity and consequently an increased desire, on their part, to establish proper commercial relations with other countries. There is no country with which these relations can be more advantageously established than with the United States. There is no reason why the friendship between the two countries should not be perpetual. Neither of them has the least interest to encroach upon the rights or to injure the prosperity of the other. In the present state of feeling between them it is an easy thing to cement their friendship. In this view, you will endeavour so to regulate your conduct as to conciliate the esteem, not only of the Emperor, but of the people. Be particularly cautious not to involve yourself in their local politics, and forbear to express publicly any unfavorable opinion of their measures or their men. It is certainly desirable that this government should be correctly informed in regard to their local politics and the characters of the principal actors in them; but the utmost prudence and caution are necessary in making even these communications. I am sure that I need not say anything more in order to impress upon you the necessity of a prudent and con-

ciliatory course, in all things. Your own good sense and discretion will be made your guides.

The necessity for pursuing the course here indicated, will be apparent to you when you reach Brazil. England has recently had at that Court an Ambassador with an outfit of £5000 and a salary of £12000. He is a man of great skill in diplomacy, of extensive information, and of the *most liberal and magnificent hospitalities*. The object of all this splendid preparation is very clear. France has recently drawn closer the ties of friendship between herself and Brazil, by the marriage of the Prince de Joinville with the Princess Francisca. These countries are anxiously awaiting the time when the expiration of the treaty with England will leave Brazil at liberty to form new relations. Other countries have their representatives there equally eager and equally watchful. Her commerce is eagerly sought by all these countries and all are diligently engaged in preparing the way for ultimate success. We must approach the subject without the advantages which most of them possess. But we have a countervailing advantage in the greater liberality of our policy; in the fact that we have no colonies and therefore no incidental interests to consult; and in the confidence which Brazil may justly feel, that we have no ambitious aspirations, and no objects beyond the ostensible objects of trade and friendship. The course of our policy has been very liberal towards Brazil. We have not imposed an onerous duty on any of her productions, and on coffee, one of the most important of her articles of export, we have no duty at all. The condition of our country and our systems of domestic policy, enable us to offer better terms than any other nation can offer, and with a certainty that our commercial arrangement will be more enduring and less liable to fluctuations from the conflicts of our domestic interests.

You will find that the British Ambassador of whom I have spoken has left Brazil, having failed of success in the object of his mission. This is certainly an encouraging circumstance, in as much as it indicates that England does not possess at that Court the overpowering influence which past events have warranted us in attributing to her. But we are not to suppose that she has either abandoned her hopes or relaxed her exertions. It is quite natural that she should seek all possible advantages in trade, for her own people. Of this we have no right to complain; but we have a right to counteract her if we can, by fair and honorable diplomacy, so as to insure to our own country as favorable terms as shall be granted to her. If she shall become convinced that no *exclusive* benefits will be conceded to her, all other nations engaged in Brazilian trade may profit by her negotiations. We are perfectly willing that she shall have the most advantageous terms which it is possible for Brazil to grant to *all other countries*. We shall insist on being placed on the footing of the most favored nation, and this, France, Belgium, Holland and Sardinia are equally ready to claim for themselves. The more favorable the

treaty with England, therefore, the better for us, provided the terms be not such as Brazil cannot safely extend to other countries. There is no reason to believe that England is carrying on her negotiations in a spirit unfriendly to us. She naturally seeks every commercial advantage which she may by any possibility obtain, and in this other countries can find no just cause of complaint. But they have an equal right to guard their own interests; and if, in doing this, they should find it necessary to oppose the granting of any exclusive or peculiar advantage to her, she has no right to charge them with unfriendliness, or improper intermeddling.

The negotiation with England is transferred to London. There is little doubt that the mission of M<sup>r</sup> Ellis will be made the subject of discussion in Parliament, and in order that you may be well informed in regard to it, I have requested M<sup>r</sup> Everett to transmit to you the London papers containing the debates.

You have, along with these instructions, full power to negotiate a treaty of commerce and navigation. But it is greatly desired that the negotiation should be transferred to Washington; and this you will endeavor to effect, if possible.

That England is endeavoring to abolish the institution of domestic slavery throughout the American continent, no longer admits of doubt. It is difficult to imagine what motive she can have for this, except to destroy the competition of slave labour with that of certain of her colonies in the articles of sugar, cotton and rice. So great a measure of policy on the part of so great a nation can scarcely be attributed to a mere movement of humanity or philanthropy. But whatever the motive may be, the effort cannot be witnessed by this government without very great concern. That institution exists in twelve States of our Union and is so interwoven with all their municipal systems, that it cannot be disturbed without serious danger of civil commotion. Whatever affects it in a neighbouring country, necessarily affects it incidentally among us. The very fact that the greatest maritime people in the world have interposed to destroy it, in one part of our continent, will serve to encourage the hopes and stimulate the exertions of those who are endeavoring to effect the same object in the United States. How far we should have the right or feel the inclination to resist such an attempt in Brazil, I do not undertake to say. But as the subject, in all its aspects, is one of deep interest to nearly half the States of our Union, it is of great importance that this government should be accurately and promptly informed of any movement in regard to it which may be made in other countries. I invite your attention to this interesting matter and desire that you would communicate to this Department whatever information it may concern any portion of our country that this government should receive.

By the 9th article of our late treaty with England, it is stipulated that the parties "will unite in all becoming representations and remonstrances with

any and all powers within whose dominions such markets (viz. for the sale of slaves) are allowed to exist; and that they will urge upon all such powers the propriety and duty of closing such markets effectually at once and forever." No particular mode of making these representations and remonstrances is pointed out, nor is it altogether clear that they should be made jointly and not severally. It is also, matter of great delicacy in itself, for a government that did not feel that it was fairly liable to the suspicion of allowing the sale of slaves, would be justly offended at such a gratuitous remonstrance on the part of other governments. While therefore you will hold yourself ready to unite with the English Minister "in all becoming representations and remonstrances," which it may be necessary to make to the Brazilian government, you will be very cautious not to do so except upon proper grounds and in a becoming manner.

Your attention is called to certain unadjusted claims of our citizens upon the government of Brazil, a full history of which you will find in the archives of the Legation. The last advices from your predecessor M<sup>r</sup> Hunter, represent those claims as in progress, with a fair prospect of a favorable result. The legislative forms of Brazil are represented to be somewhat dilatory, so that a considerable time will probably elapse before the final settlement of these claims can be effected. In the mean time, you will give your attention to them and press as speedy an adjustment of them as it may be decorous and proper to ask.

In your communications with this Department, you will take up the history of your Legation at the point at which your predecessor shall have left it, so as to leave no *hiatus*. And it is of the utmost importance that your communications should be as frequent as possible, and above all that they should be full, accurate and precise.

I am, Sir, [etc.].

## 460

*John C. Calhoun, Secretary of State of the United States, to Henry A. Wise, United States Minister to Brazil*<sup>1</sup>

[EXTRACT]

No. 4

WASHINGTON, May 25, 1844.

SIR: . . . The instructions of M<sup>r</sup> Upshur to M<sup>r</sup> Proffit upon the occasion of the departure of the latter on his mission, are so full upon the political and commercial relations between the two countries, and are of such recent date, as to require but little to be added to them at this time. You are accordingly referred to them and will be guided by them.<sup>2</sup>

<sup>1</sup> Instructions, Brazil, vol. 15.

<sup>2</sup> For his No. 2, dated August 1, 1843, see above, this part, doc. 459. The subsequent five, and, also, No. 1 were very brief and on unimportant routine matters, as were also the first three addressed to Wise.



The mission to which you are appointed is regarded as the most important of any in this hemisphere. Next to the United States, Brazil is the most wealthy, the greatest and most firmly established of all the American powers.

Between her and us there is a strict identity of interests on almost all subjects, without conflict, or even competition, on scarcely one. Thus fortunately situated in reference to each other, there should ever be peace and the kindest feelings and relations between them. To preserve the existing peace and to cherish and strengthen their present kind feelings and relations, will be the first of your duties.

You will find, accompanying this, a copy of the Treaty negotiated with Texas and the President's Message transmitting it to the Senate for its approval, with the accompanying documents. You will embrace some early and suitable occasion to explain to the Brazilian government<sup>1</sup> the motives which led to the adoption of the measure at this time. It is important it should be made to understand, that it originated in no feelings of disrespect or hostility to Mexico. For that purpose it will be necessary to explain fully the views and policy of Great Britain in reference to Texas, especially as they relate to the subject of abolishing slavery there, and to point out the danger to which they would expose us and the necessity it imposed on us to adopt the measure we have, as the only one which could effectually guard against it.

You will avail yourself of the occasion to impress on the Brazilian government the conviction, that it is our policy to cultivate the most friendly relations with all the countries on this continent, and with none more than with Brazil. You will assure it that it is our most anxious desire to see them all settled down in peace under well established governments and employed in developing their great resources and advancing in wealth, population, power and civilization, free from all interference from any quarter in the regulation and management of their domestic concerns. It is our established policy not to interfere with the internal relations of any other country, and not to permit any other to interfere with ours. Brazil has the deepest interest in establishing the same policy, especially in reference to the important relation between the European and African races as it exists with her and in the Southern portion of our Union. Under no other can the two races live together in peace and prosperity in either country. The avowed policy of Great Britain is to destroy that relation in both countries and throughout the world. If it should be consummated, it would destroy the peace and prosperity of both and transfer the production of tobacco, rice, cotton, sugar and coffee from the United States and Brazil to her possessions beyond the Cape of Good Hope. To destroy it in either, would facilitate its destruction in the other. Hence our mutual interest in resisting her interference with the relation in either country, and hence also the importance of

<sup>1</sup> For the very remarkable document addressed by Wise to the Brazilian Foreign Secretary, in compliance with this instruction, see below, pt. IV, doc. 561.

each country firmly opposing any attempt on the part of Great Britain to disturb the existing relation between the two races within their respective limits, and of each discountenancing any such attempts in that of the other.

You will endeavor to impress the importance of this on the Brazilian Government and avail yourself of the occasion to express the satisfaction felt by this Government at the firm resistance it made against the attempt of Great Britain in the late negotiation, to make the abolition of slavery in Brazil a condition on which her sugar should be admitted on an equality into the British market with that produced in the Colonies of Great Britain. You will see the importance, in this connexion, of keeping yourself well informed and the Department promptly advised of all movements on the part of those acting under the authority of Great Britain in Brazil, and on that of the agents or emissaries of her abolition society to interfere with or disturb the relations between the two races in Brazil, and the measures which may be adopted on the part of her Government to counteract and defeat such attempts.

I am, Sir, [etc.].

461

*John C. Calhoun, Secretary of State of the United States, to Henry A. Wise,  
United States Minister to Brazil* <sup>1</sup>

[EXTRACT]

No. 10

WASHINGTON, *January 20, 1845.*

SIR: I have the honor to acknowledge the receipt of your despatches numbered from 1 to 8,<sup>2</sup> inclusive.

The subjects adverted to in your note to M<sup>r</sup> França of the 8th of November, last,<sup>3</sup> have an important bearing on the trade between the two countries, and I regret that the pressure of public business during the session of Congress, will not allow me sufficient leisure to examine them as fully as I could wish. The termination of the treaty with Great Britain presents a favorable occasion to secure advantages for our commerce which it has not heretofore enjoyed; and the system of reciprocal average duties which you suggest, seems to me as well calculated to promote the object as any other. But as the subject is one of importance and requires both study and deliberation, and as a new administration is so soon to succeed the present, it is deemed advisable to postpone for the present any special instructions in regard to it. This is considered the more proper inasmuch as no definitive arrangement

<sup>1</sup> Instructions, Brazil, vol. 15.

<sup>2</sup> Below pt. IV, doc. 565, is the portion of his No. 8 which is pertinent to this publication; and, in doc. 564, that of his No. 7. His earlier despatches bear no serial numbers; but the pertinent portions of three of them are also included. See below, pt. IV, docs. 560, 562 and 563.

<sup>3</sup> Not included in this publication.

could be made before the 4th of March, next, when a new administration will come into power, unembarrassed by any preliminary steps on the part of the present.

The same considerations make it proper to defer, for the present, any special instructions in reference to the existing difficulties between the governments of Buenos Ayres and Monte Video. It is clear that the rights of neutrals, the general interests of commerce, and the common feelings of humanity require that the unhappy contest should be terminated; and to effect it, the suggestions of Mr. França<sup>1</sup> would be taken immediately into consideration but for the reasons to which I have adverted. . . .

I have the honor [etc.].

## 462

*Nicholas P. Trist, Acting Secretary of State, to Henry A. Wise, United States Minister to Brazil*<sup>2</sup>

No. 22

WASHINGTON, April 4, 1846.

SIR: I have the honor to acknowledge the receipt of your despatch N<sup>o</sup> 38,<sup>3</sup> transmitting the letter of M<sup>r</sup> Hopkins.

M<sup>r</sup> Hopkins unfortunately has so far exceeded the purposes of his mission as to render his immediate recall necessary, as you will perceive from the enclosed copy of the instruction which has been addressed to him, bearing date the 30th ult.<sup>4</sup> The original is contained in the accompanying sealed package, which you will have the goodness to forward to its destination.

Our position with reference to the armed intervention in the La Plata and to the countries more immediately affected by it, is one of peculiar delicacy and requires for the observance of our duties towards all the parties and a just regard to our own rights and interests, the exercise of the utmost prudence and circumspection. M<sup>r</sup> Harris, who will stop at Rio de Janeiro on his way to Buenos Ayres as the successor to M<sup>r</sup> Brent, is the bearer of this communication. He has been fully instructed upon the subject of our relations with the Argentine Republic and has been desired to show you his instructions. These will apprise you of the reasons which have actuated the President in determining to withhold for the present an acknowledgement of the independence of Paraguay. The note from M<sup>r</sup> Lisboa communicating

<sup>1</sup> Reported by Wise with extended comments in his No. 7, below, pt. IV, doc. 564.

<sup>2</sup> Instructions, Brazil, vol. 15.

Nicholas P. Trist, of Virginia, who signed this instruction as Acting Secretary of State, was appointed chief clerk of the Department on August 28, 1845. While still holding this position, he was appointed commissioner to Mexico on April 15, 1847. His services in this capacity terminated in February, 1848. Before his return to Washington, someone else had been appointed chief clerk.

<sup>3</sup> See below, pt. IV, doc. 587.

<sup>4</sup> See this document, under its date, below, the volume and part containing communications to Paraguay.

the request of Brazil upon this subject<sup>1</sup> has not yet been formally answered. You may, however, avail yourself of a proper opportunity to assure the Brazilian Minister for Foreign Affairs, that the President has taken the application of his Government into respectful consideration, and that he has no disposition to keep the matter in suspense any longer than may be rendered necessary by the posture of affairs in that region.

It will be in your power to impart to M<sup>r</sup> Harris while with you much information which will be of high value to him in the discharge of the duties confided to him; and it will, I have no doubt, afford you mutual pleasure to interchange at all times the intelligence which you may become possessed of, and the views that you may severally be led to take of the successive scenes of the important drama on the theatre of which you will both be placed.

I am, Sir [etc.].

## 463

*James Buchanan, Secretary of State of the United States, to Henry A. Wise, United States Minister to Brazil*

No. 24

WASHINGTON, May 14, 1846.

Sir: [Circular transmitting a copy of the President's Proclamation of the preceding day declaring that war existed between the United States and Mexico.]<sup>2</sup>

## 464

*James Buchanan, Secretary of State of the United States, to Gaspar José de Lisboa, Brazilian Minister to the United States*<sup>3</sup>

WASHINGTON, February 2, 1847.

SIR: I have had the honor yesterday to receive your note of the 21st ultimo,<sup>4</sup> in which, referring to the recent imprisonment of Lieutenant Davis and the three sailors of the United States ship *Saratoga* by the City authorities of Rio de Janeiro on the 31st of October, last, you give me, in behalf of

<sup>1</sup> For this note from Sr. Lisboa, Brazilian minister to the United States, see below, pt. iv, doc. 588.

<sup>2</sup> For the text of this circular instruction, which went also to the Legation in Argentina, and to other South American countries where legations were established, see vol. I, pt. I, under its date; and for the proclamation, see the same volume and part, note I, p. 33.

<sup>3</sup> Notes to Brazil, vol. 6.

Chevalier Gaspar José de Lisboa, to whom this note was addressed, presented his credentials as minister resident of Brazil on May 29, 1841; and, as envoy extraordinary and minister plenipotentiary, on September 12, 1845. He took leave on July 22, 1847.

<sup>4</sup> Not included in the present publication because it was not found in the archives of the Department of State. Its purport appears to be repeated, presumably pretty fully, in the first paragraph of this reply. For further reference regarding it, see below, this part, doc. 466, and the note of August 30, 1847, to the Brazilian chargé d'affaires at Washington, below, this part, doc. 471.

your Government, the solemn assurance that no "offence was or could have been intended by this act to the dignity of the flag of a nation with whom it is the earnest desire of Brazil to cultivate the most friendly relations"; that the Brazilian Government "has regretted extremely this disagreeable occurrence;—and will adopt the means proper to prevent similar occurrences hereafter".

Your note has been submitted to the President, who has instructed me to inform you, that he is entirely satisfied with this frank and honorable explanation; and that the whole occurrence, so far as the United States are concerned, shall henceforward be buried in oblivion.

I am further instructed to say, that the President most cordially reciprocates the friendly feelings which you have expressed on the part of the Brazilian Government, and that it is his earnest desire, as it shall be his constant endeavor, to strengthen the bonds of friendship which now so happily unite the two nations.

I cannot suffer the occasion to pass without expressing my own gratification at the manner in which you have treated this delicate affair, which, in less able and practised hands, might have impaired the cherished friendship, if it had not endangered the peace, between the two nations.

I avail myself of this occasion [etc.].

## 465

*James Buchanan, Secretary of State of the United States, to Henry A. Wise, United States Minister to Brazil*<sup>1</sup>

No. 30

WASHINGTON, February 2, 1847.

SIR: I transmit herewith copies of the notes which have passed between Mr. Lisboa and myself in relation to the imprisonment of Lieutenant Davis and the three sailors of the United States ship *Saratoga* by the Police Guard at Rio de Janeiro on the 31st of October, last.<sup>2</sup> From these you will perceive that the serious controversy with the Brazilian Government arising out of this act has been amicably and honorably adjusted. It would be useless to detail the steps which led to this arrangement. You will perceive that although Mr. Lisboa's note is dated on the 21st January, it was not delivered by him to me until yesterday. In the mean time we had several conferences which resulted in so changing its original form and character as to render its terms satisfactory to the President.

Mr Lisboa, who has conducted himself with much propriety throughout

<sup>1</sup> Instructions, Brazil, vol. 15.

<sup>2</sup> For Buchanan's note to Sr. Lisboa here referred to, bearing this same date, February 2, 1847, in the first paragraph of which is repeated the purport of Sr. Lisboa's to him, of January 21, 1847, also referred to here, see above, this part, doc. 464.

the whole affair, is anxious that his note should not be published at Rio, apprehending the strictures which it might occasion in the Legislative Chambers. I informed him that I would request you not to publish the note and to confine yourself to the declaration that the controversy had been settled after explanations from the Brazilian Government, through their Minister at Washington, which were entirely satisfactory to the Government of the United States.

The affair, when it first transpired in this country, produced much sensation in our commercial cities. The commercial community are always sensibly alive to every occurrence which may threaten injury to any branch of our foreign trade; and that with Brazil is of great importance to the United States.

The President has instructed me to say to you that he has been gratified to see that your course in respect to Lieutenant Davis and the imprisoned seamen has been marked by that energy and zeal which the diplomatic agents of the United States abroad are always expected to exhibit when their fellow citizens have been wronged or the flag of their country has been insulted. And further, that he relies with confidence, the "amende honorable" having been made by Brazil, that your conduct towards the Brazilian authorities will be guided by a desire to restore harmony and promote friendship between the two countries, whose mutual interests are so deeply identified with each other.

Your despatches to N<sup>o</sup> 54, inclusive, have been received.

I am, Sir, [etc.].

466

*James Buchanan, Secretary of State of the United States, to Henry A. Wise, United States Minister to Brazil*<sup>1</sup>

No. 33

WASHINGTON, March 29, 1847.

SIR: Your despatch N<sup>o</sup> 54 of the 9th December, last,<sup>2</sup> was received at this Department on the 7th February.

Your suggestion in that despatch that the Brazilian Government would probably instruct Mr. Lisboa to represent that you were obnoxious to that Government and thus gently hint your recall, has been more than realized and it has now become proper that I should communicate to you a statement of what has occurred between Mr. Lisboa and myself on that subject.

At our first conference on the 20<sup>th</sup> January, last, in relation to the imprisonment of Lieutenant Davis and the American sailors, which was somewhat animated on both sides, Mr. Lisboa made a formal request, under instructions, as he alleged, from his Government, that you should be recalled

<sup>1</sup> Instructions, Brazil, vol. 15.

<sup>2</sup> Below, pt. IV, doc. 606.

by the President. He stated that the purpose of keeping up diplomatic intercourse between nations, was to preserve and strengthen their friendly relations with each other; and that whenever, from any cause, a particular minister did not or could not accomplish this object, it was the custom of nations to recall him on the request of the Power to which he had been accredited. He cited some cases in which Ministers had been recalled for this reason, although particularly agreeable to the Governments by which they had been appointed.

I gave him a prompt and decided, though civil, answer to this request. Without contesting the general principle, I told him explicitly, that to recall you, under existing circumstances, was entirely out of the question. The President would not think of it for a moment. That your recall, at the present time, might and would be construed into an admission that the Brazilian authorities had acted correctly in imprisoning Lieutenant Davis and the American sailors, and a disapprobation of your efforts to obtain their release; and that the President would never, by his conduct, afford any ground for such an inference.

Mr. Lisboa adhered, with considerable pertinacity, to this request, and after he had intimated that the Brazilian Government might, in case of refusal, order you to leave the country, I replied that they might assume this responsibility if they thought proper. You would certainly not be recalled. He stated at once that they never would do that.

At our next interview, on the 21st of January, Mr. Lisboa again recurred to the subject, but not with his former earnestness. He reminded me that I had informed him in conversation, some time before, that you had expressed a desire to return home next spring or summer, and asked if such was still your intention. I told him I was not aware that you had changed your purpose; but that the President would, I had no doubt, request you to remain at Rio until the existing difficulty between the two Governments should be finally adjusted.

At three subsequent interviews which we held prior to the final adjustment of the controversy between the two Governments, Mr. Lisboa never alluded to the subject of your recall, and I had hoped that it would not be further pressed. For this reason, I did not refer to it in my despatch to you of the 2nd of February.<sup>1</sup>

Late in the afternoon of that day, however, after my despatch to you had been concluded, Mr. Lisboa called at the Department and urged your recall. He read to me instructions which he had recently received from his Government, dated, as he observed, after the baptism of the Imperial Princess and the fête of the Emperor's birthday, requiring him to present the request to the President, through the Secretary of State. Of these instructions, dated 16<sup>th</sup> November and 5th December, he subsequently furnished me copies.

<sup>1</sup> Above, this part, doc. 465.

He said that the affair of Lieutenant Davis and the three sailors had now been happily adjusted and the request for your recall had no connexion with that controversy. It arose from a perfect conviction, on the part of the Imperial Government, that the friendship and harmony which they desired, above all things, to cultivate with the Government of the United States, were every moment in danger whilst so excitable a gentleman as yourself should continue to be the minister. That in consequence of your own conduct and that of Commodore Rousseau, by your advice, on the occasion of the baptismal and birthday fêtes, the Emperor had determined that you should never again be invited to Court; and he asked how a Minister could get along under such circumstances? He urged, that according to the established usage of nations, courtesy required that the President should not continue you at Rio against the protestations of the Imperial Government. He said that they had no desire to wound your feelings in any manner. All they wished was that you should leave Rio; and if I could assure him that you would return to the United States at the time you yourself had designated, before the unpleasant occurrence in regard to Lieutenant Davis and the sailors, he thought it possible they would be satisfied. That the Brazilian Government had now done their duty in asking your recall; and if you should hereafter involve the two countries in new and serious disputes, the responsibility would rest, not upon them, but on the Government of the United States.

In reply, I stated that I had not anticipated such a formal and reiterated request for your recall, that I would submit the question to the President, and furnish him a specific answer. I observed that it was impossible to disguise the fact that this request arose out of the affair of the imprisonment of Lieutenant Davis and the sailors and was identified with this transaction. That the Brazilian Government, through his own agency, had but the day before made the amende honorable in regard to that affair; had expressed their regret at this disagreeable occurrence and had promised to adopt the necessary means to prevent similar occurrences hereafter. That I felt confident the President would not cast such a censure upon you as your recall would imply, for having performed your duty on that occasion. That the Brazilian Government had done you injustice in supposing that Commodore Rousseau had acted under your advice in refusing the accustomed honors on the baptismal and birthday fêtes, and that he was guided solely by his own sense of what was due to the national honor.

It was true, I stated, that you had requested permission to return home before this controversy had arisen, and as it had now been happily adjusted, the President might probably send a new minister to Brazil in the month of May, next, with the frigate destined to relieve Commodore Rousseau, and in that event, you would return with the latter to the United States. I stated, however, that I entertained no doubt, the President in nominating



your successor to the Senate, should he be appointed before the adjournment of Congress, would explicitly state that you had been recalled at your own request. I could, however, give him no certain information as to when you would probably leave Brazil, but would answer his inquiry after consulting the President.

On the 10<sup>th</sup> February, Mr. Lisboa called again at the Department of State, when I read to him from a written paper the President's answer to his request, as follows: "The request presented by you to the President in behalf of the Brazilian Government, that he would recall Mr. Wise, has been under his serious consideration, and he has instructed me to give you the following answer:

After a mature consideration of all the circumstances arising from the imprisonment of Lieutenant Davis and the American sailors by the local authorities at Rio de Janeiro, he does not believe that he could recall Mr. Wise without by implication, at least, subjecting him to a censure which in the President's opinion he does not deserve, for his conduct on that occasion. The President has arrived at this determination notwithstanding his anxious desire to cultivate the most friendly relations with the Government of Brazil. He trusts that any unpleasant impressions produced by this affair may speedily pass away and be forgotten, and that during the remainder of Mr. Wise's residence at the Imperial Court, nothing may occur to interrupt the harmony which ought ever to subsist between the two nations.

In answer to your inquiry when it is expected Mr. Wise will return from his mission, I am instructed to inform you, that some time ago and long before the imprisonment of Lieutenant Davis, that gentleman had asked to be recalled, and the President had determined to accede to his request. This affair having been happily adjusted between the two Governments, the President will not change his original determination. A vessel of war will, therefore, proceed from the United States to Rio during the next spring, (probably in April or May) and will carry out a new Minister to Brazil. Soon after his arrival, Mr. Wise will return to the United States in the Columbia with Commodore Rousseau, whose term of service will then have expired."

Mr. Lisboa expressed much regret at this answer and said he would address me a formal note upon the subject so that he might have it in an authentic form to transmit to his Government. I told him that his note should be immediately answered in the language of the paper which I had just read to him; but suggested, that in my opinion, any further proceeding in this matter on his part, without producing any good effect, might tend to embarrass the relations between the two countries, which we desired might always be of the most friendly character. He said he would take the subject into consideration; and the result is that he has never presented the note.

On the 15th February and on more than one occasion subsequently, he has

urged me to authorize him to say to the Brazilian Minister for Foreign Affairs, simply that you would return to the United States, without adding either that the President would not recall you, or that you would be recalled on your own request. This I uniformly refused, stating that I could not vary the answer in any respect which I had read to him, under the instruction of the President.

Accordingly, on the 2nd March, David Tod of Ohio was nominated to the Senate as Minister to Brazil "*in place of Henry A. Wise, recalled at his own request,*" and the nomination was confirmed on the following day.

Neither the time of Mr. Tod's departure nor the vessel which will take him to Rio has yet been designated, though she may probably sail during the month of May. It is the President's request that you should continue at your post and perform the duties of the mission until his arrival and presentation to the Emperor. Your letter of recall will be transmitted to you by Mr. Tod.

It is due to Mr. Lisboa to remark that in executing the instructions of his Government, he has uniformly conducted himself with great propriety and has throughout manifested a strong desire to preserve the most friendly relations between the two Governments.

I am, Sir [etc.].

P.S. No despatch of a date subsequent to that of your N<sup>o</sup> 54<sup>1</sup> has been received at this Department.

## 467

*James Buchanan, Secretary of State of the United States, to David Tod, United States Minister to Brazil*<sup>2</sup>

[EXTRACT]

No. 1

WASHINGTON, June 11, 1847.

SIR: You have been made fully acquainted with the origin, progress and adjustment of the unhappy controversy between the Brazilian Government and Mr. Wise, arising out of the imprisonment of Lieutenant Davis and the three American sailors at Rio de Janeiro in October, last. The President until very recently had not entertained a doubt but that the settlement of this unpleasant affair between Mr. Lisboa and myself, upon terms honorable to both parties, would receive the approbation of the Brazilian Government. In this confident expectation, however, it would seem he has been disappointed. From the tone of the public Journals at Rio, as well as from

<sup>1</sup> Below, pt. IV, doc. 606.

<sup>2</sup> Instructions, Brazil, vol. 15.

David Tod, of Ohio, was commissioned envoy extraordinary and minister plenipotentiary, on March 3, 1847. He was received on August 28, 1847, and appears to have served until August 9, 1851, on which date he took leave.

advices, though not of an official character, received at this Department, it is possible that the Brazilian Government may disavow the settlement as unauthorized, and may recall its Minister. It is right, therefore, that you should receive instructions to guide your conduct should this contingency have happened.

The President will not depart from the ground which he has already occupied upon this question. He will consider it as definitively settled until the Brazilian Government shall again attempt to reopen the discussion. In that event, the attempt will doubtless be made at Washington, not at Rio de Janeiro; and even upon a contrary supposition, it would now be impossible to furnish you instructions upon the subject, as the Department has received no official information on which these could be based. Unless further instructed, therefore, you will not suffer yourself to be drawn into any discussion of this question. Still, you may do much to tranquillize the Brazilian authorities and to convince them of the propriety of consigning this whole affair to oblivion. In all your intercourse, you will treat them with the utmost respect and give them every assurance of the President's continued desire to cultivate their friendship. The commerce between the two countries is eminently beneficial, and any movement upon the part of either which might threaten its interruption, could not fail to prove highly prejudicial to both. With these precautionary observations, the subject is left to your own ability and discretion, from which the President augurs the happiest results.

The recall of Mr. Lisboa would be unjust to him as well as disagreeable to the President. Throughout the whole affair, he has manifested the most anxious desire to serve his own country with honor and fidelity and at the same time prevent a serious misunderstanding between the two Governments. This Government has neither sought nor obtained any advantage over him. I am perfectly persuaded that no candid and intelligent person who would carefully examine the testimony on both sides could fail to arrive at the conclusion that the controversy concerning the imprisonment of Lieutenant Davis and the three American sailors, has been settled upon fair and just terms for both parties.

Mr Lisboa has long represented his country in the United States and has by his uniformly correct conduct, acquired the regard, both of the public authorities and the people. He is held in general esteem by all who know him. Indeed, I am persuaded that no other Minister who could be sent from Brazil would be capable of rendering so much service to his country. His recall, under existing circumstances, would produce a sensation throughout the United States, and would inflame and aggravate a quarrel which has hitherto commanded very little of public attention.

Whilst any active interference on your part in favor of Mr. Lisboa might be misconstrued and do him more injury than benefit, still, in conversation

with the Brazilian Minister for Foreign Affairs, should a favorable opportunity offer, you might do justice to the fidelity, ability and success with which he has served his country.

The full power with which you have been furnished will enable you to conclude and sign a commercial Treaty with Brazil should the Government of that country manifest a disposition to conclude such a Treaty upon fair and equal terms. . . .<sup>1</sup>

I am, Sir, very respectfully, your obedient servant,

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*James Buchanan, Secretary of State of the United States, to Henry A. Wise, United States Minister to Brazil*<sup>2</sup>

No. 34

WASHINGTON, June 12, 1847.

SIR: Enclosed, I transmit by Mr. Tod a sealed letter from the President of the United States to the Emperor of Brazil, announcing the termination of your mission. An open copy of the letter also accompanies this. From the relations subsisting between yourself and the Brazilian Government, it may be doubtful whether the Emperor will grant you an audience for the purpose of presenting the original. It is very desirable that he should do so and that past differences may be forgotten. This would produce a happy effect in both countries. If you should ascertain, however, that such an audience would be refused, it might be better that it should not be asked.

The Ohio, which will carry out Mr. Tod to Rio, will remain in that port until the arrival of the Brandywine, the vessel destined to relieve Commodore Rousseau. This arrangement has been made for your accommodation and so as to enable the Commodore and yourself to return immediately in the Columbia to the United States. From your late despatches it is manifest that you desire to leave Brazil with as little delay as possible. The Brandywine may not reach Rio until a month or more after the arrival of the Ohio.

Your despatches to N<sup>o</sup> 59,<sup>3</sup> inclusive, with the exception of N<sup>o</sup> 56,<sup>4</sup> have been received.

I am, Sir, very respectfully [etc.].

<sup>1</sup> The omitted portions of this instruction describe, in detail, just what parts of the treaty of 1828 were, and what were not, still in force; full powers were also said to be enclosed for concluding a claims convention; then too, he was referred to the instructions to his predecessor, regarding the slave trade.

<sup>2</sup> Instructions, Brazil, vol. 15.

<sup>3</sup> Below, pt. iv, doc. 611.

<sup>4</sup> Below, pt. iv, doc. 608.

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*James Buchanan, Secretary of State of the United States, to David Tod, United States Minister to Brazil*<sup>1</sup>

No. 3

WASHINGTON, July 24, 1847.

SIR: I transmit a sealed letter from the President<sup>2</sup> in answer to one from the Emperor of Brazil,<sup>3</sup> announcing Mr. Lisboa's recall. An open copy of the letter is also enclosed which you will communicate to the Minister for Foreign Affairs with a note requesting the appointment of a time for you to deliver the original to the Emperor in person.

I am, Sir [etc.].

The President's letter to the Emperor follows:

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*James K. Polk, President of the United States, to Dom Pedro II, Emperor of Brazil*

Great and Good Friend!

The Chevalier Gaspar Jose Lisboa has this day delivered the letter which, under date the twenty sixth of April, last, Your Majesty has been pleased to address to me, announcing the termination of his mission as Envoy Extraordinary and Minister Plenipotentiary of Your Majesty to this Government, and has taken leave of me in that character.

I cannot permit this occasion to pass, without assuring Your Majesty, that Mr. Lisboa's conduct, during his residence in the United States, has gained and secured for him general respect and good will. In his official intercourse with this Government, whilst he has been able, loyal and zealous in maintaining the interests of his own country, he has performed his high duties in a manner so acceptable as to secure for him my warmest regard. On his return to Brazil, he will, I am persuaded, assure Your Majesty of my friendly sentiments for you personally, and of the desire of the Government and people of the United States to preserve, strengthen and perpetuate concord and good understanding between the two nations.

And so I recommend you to the protection of the Almighty. Written at Washington, the twenty second day of July, in the year of our Lord one thousand eight hundred and forty seven, and of the Independence of the United States, the seventy second.

<sup>1</sup> Instructions, Brazil, vol. 15.

<sup>2</sup> Below, this part, following immediately after this covering instruction.

<sup>3</sup> Below, pt. IV, doc. 615.

*James Buchanan, Secretary of State of the United States, to Felipe José P. Leal, Brazilian Chargé d'Affaires ad interim at Washington*<sup>1</sup>

WASHINGTON, August 30, 1847.

SIR: I have received a copy of the instructions from His Excellency Mr. Souza e Oliveira, the Brazilian Minister for Foreign Affairs, to yourself, dated on the 31st May, last,<sup>2</sup> which you were kind enough to deliver to Mr. Derrick, then Acting Secretary of State, on the 5th instant, during my absence from this City. Since my return, I have examined these instructions with all the care and attention to which they were entitled, considering the importance of the subject and the high source from which they have emanated, and shall now proceed to communicate to you the result of my deliberations.

The instructions direct you to insist

1. Upon "ample reparation" from the Government of the United States for the acts committed by Lieutenant Davis at Rio de Janeiro on the 31st October, last.

And 2nd. These instructions direct you to require from this Government "a categorical declaration that it had disapproved the conduct of its Envoy Extraordinary and Minister Plenipotentiary at this [the Brazilian] Court, M<sup>r</sup> Henry A. Wise; and that it ordered his recall, as a mark of reparation due to Brazil."

3. You are also instructed to inform me "Should Mr. Tod have departed from the United States before you have received these instructions [which has proved to be the case] the Imperial Government is resolved not to receive him in his official character until he has agreed to give the satisfaction in the sense and terms in which you are charged to exact it."

The Minister for Foreign Affairs in his instructions has gone into an elaborate exposition of the facts upon which these demands upon the Government of the United States are founded. If it should appear that in this exposition he has mistaken the true state of these facts, then it is confidently expected that the Brazilian Government will rest satisfied with the honorable adjustment of the controversy respecting Lieutenant Davis which was made by their Minister Mr. Lisboa and myself, and will suffer the whole affair to pass into oblivion.

In order to confine the discussion to the true points of difference between the parties, it is necessary to undeceive the Imperial Government in regard to two essential misapprehensions.

1. The declaration made by Mr. Lisboa in his note dated on the 21st

<sup>1</sup> Notes to Brazil, vol. 6.

Felipe José Pereira Leal, secretary of legation, acted as chargé d'affaires *ad interim*, from July 22, 1847, to March 9, 1849.

<sup>2</sup> Below, pt. IV, doc. 617, note 2.

January, last,<sup>1</sup> was not equivalent, as His Excellency supposes, "to a renunciation of the right of the authorities of Brazil" to try and punish "crimes and infractions of their police regulations" committed within its territory by the sailors, citizens or subjects of any nation. That note contains no expression from which such an inference can be drawn. The Government of the United States never has denied or disputed this sovereign right of Brazil. On the contrary, its existence was cheerfully acknowledged by me in the conferences with Mr. Lisboa which preceded his note.

It is true that Mr. Wise, in his correspondence with Baron Cayrú did not at first admit, in its just extent, this established principle of public law; but in his last note to that gentleman of the 10th November,<sup>2</sup> he has recognized it in the clearest and most explicit manner. In it he declares "that in respect to the man who drew his knife on his fellow sailor whilst on shore, he [Mr. Wise] admits to the fullest extent the jurisdiction of Brazil."

The question is therefore at once relieved from the misapprehension which pervades a great part of the instructions to you that this Government has denied to that of Brazil the sovereign jurisdiction over all persons of whatever nation within its territory.

2. The Minister for Foreign Affairs has also mistaken the nature of the settlement between Mr. Lisboa and myself in another particular. This is confined, in express terms, to the case of Lieutenant Davis and the three American sailors. Neither in substance nor in form does it go beyond the unfortunate occurrences of the 31st of October, 1846. It does not embrace the conduct of Mr. Wise and Commodore Rousseau on the 15th November and 2nd of December, as the Minister for Foreign Affairs supposes. Had Mr. Wise in his note to Baron Cayrú of the 21st April, last,<sup>3</sup> gone beyond the affair of Lieutenant Davis and the three sailors, he would have exceeded his instructions. I am happy to find, therefore, upon a careful examination of this note, that it is confined to that subject alone. It does not refer, either directly or indirectly to any other matter. I have, therefore, been greatly surprised to find it stated in the instructions that "The Imperial Government cannot but see in that note a repetition of offences, since it is affirmed therein that the acts committed by the authorities of the United States on the 15th November and 2nd December, had for their object to express their feelings on account of what they regarded as an insult and offence to them", &c. &c. &c. No such affirmation is contained in the note of Mr. Wise.

Having thus disembarrassed the case of two fruitful sources of error, I shall proceed to make a brief statement of the facts as they occurred on the 31st of October, last, in regard to Lieutenant Davis and the sailors. This is derived from a careful examination of the depositions of the seven witnesses taken before Gorham Parks, Esquire, Consul of the United States at Rio de

<sup>1</sup> Not included in the present publication. See doc. 464, note 4, above, this part.

<sup>2</sup> Not included in the present publication.

<sup>3</sup> Not included in the present publication.

Janeiro. These witnesses are the Reverend Thomas R. Lambert, Chaplain of the United States Frigate Columbia; W. E. Stark, a Lieutenant of Marine, attached to the Columbia; Alonzo B. Davis, a Lieutenant of the Navy, then attached to the Saratoga; Samuel Macoduck of the City of New York, Master of the Barque Harmony; William M<sup>c</sup>Lennan of the City of Baltimore, master of the Brig Chipola; Benjamin Wathington [*sic*], of New York, master of the ship Yazoo; and John Holliday, of London, master of the Barque Gardyne of Liverpool.

From these it appears that in the afternoon of Saturday, the 31st October, last, Lieutenant Davis went on shore in pursuit of two deserters. After apprehending and securing one of them in his boat, and whilst seated in the store of Brewer & Co, William Davenport, a seaman attached to another boat, came and complained to Lieutenant Davis that Michael Driscoll, a seaman belonging to the boat under his immediate command, had drawn a knife upon him (Davenport). The Lieutenant immediately went to Driscoll, who delivered up the knife to him, and took him as far as the back door of Brewer's store, leading through to the wharf where the boat was lying. Driscoll was unquestionably drunk and was accompanied by two other sailors. There was no police guard in sight when Lieutenant Davis seized Driscoll, but they came up just as he reached the back door of the store. Lieutenant Davis was bringing him into the door to take him through the store to the boat, when they interfered and took hold of Driscoll. Lieutenant Davis, supposing that the police had come to his assistance, still retained his hold of Driscoll, whilst he, the Chaplain Lambert and Lieutenant Stark, endeavored to explain to the guard that Lieutenant Davis was the officer of the drunken sailor, that he was taking him to the boat and that he required no assistance from the Police for this purpose. Notwithstanding this explanation, the Guard still held on to Driscoll and then Lieutenant Davis surrendered him. Meanwhile, both before and after his surrender, the soldiers of the guard kept beating Driscoll and the two other sailors with their swords until they were covered with blood; and even Lieutenant Davis' clothes were smeared with the blood of Driscoll.

The three sailors were thus in the custody of the Police Guard, which marched off with them, followed by an escort of fusileers. After Lieutenant Davis had surrendered the sailors, he immediately returned to the store of Brewer & Co, in quest of one Antonio, a clerk of Brewer & Co, to interpret for him to the superior officer of police, from whom he expected to obtain a release of the sailors. He at the same time put on a midshipman's sword which he found lying on the counter, this being necessary to complete his uniform as an officer. Whilst thus engaged, the prisoners with their escort had got a considerable distance from Brewer's store, and it became necessary for him to run in order to overtake them. When he came up with them, at the corner of the street passing by the Palace, a file of soldiers constituting



the rear of the escort, faced around and presented their bayonets within a short distance of his breast. He then drew his sword and placed it on guard in self defence. The soldiers immediately turned around and followed the Police Guard and their prisoners, and he sheathed his sword and followed after. Again at the palace steps, the soldiers met Lieutenant Davis with fixed bayonets and drawn swords, which were put to his breast. He placed his hand upon his sword, and through Mr. Macoduck, who understood Spanish, asked for an interpreter. One appeared, and after a brief parley, Lieutenant Davis expressed a wish to see an officer belonging to the Palace. An officer (Mariano Joze da Cunha Pinheiro) appeared and invited him in. Lieutenant Davis went in with his sword in sheath. In the meantime Lieutenant Stark had overtaken the escort and was pushed in after Lieutenant Davis by the soldiers. When Lieutenant Davis entered, he had no opportunity of speaking a word in favor of the sailors, but was immediately seized, forcibly disarmed and imprisoned.

Such was the excitement against Lieutenant Davis, that Mr. Wathington, one of the witnesses, was informed by an English gentleman present who understood the Portuguese language, "that he heard one of the Police Guard say that his officer had ordered him to run the American officer through with his bayonet; but that he was not going to do it, for if he did, he knew they would have hung him".

Whilst these transactions were proceeding within the palace, the gunner of the *Saratoga* was without. He was a peaceable spectator, engaged in eating something at the time. A number of soldiers came running up behind him and beat him so cruelly, in trying to push him into the palace, as to produce the exclamation from an English gentleman standing by: "what do they do that for; the poor fellow was doing nothing; what a damned shame it is to treat him in that way."

The Purser's steward of the *Saratoga* was, also, on the ground in front of the palace, where one or more soldiers beat him with the butts of their musquets.

An old man, a warrant officer in the Navy of the United States, whilst walking towards the palace in a peaceable manner, was met by a young man in a green uniform, who struck him several blows with a cane across the face and head without the slightest provocation, not a single word being spoke [*sic*] by either party.

Lieutenant Davis was detained in prison until Monday afternoon, the 2nd November, when he was discharged by order of the Brazilian Government on the demand of Mr. Wise and at the request of Commodore Rousseau, who was anxious that he should proceed to the United States in the *Saratoga*, which was upon the point of sailing. It is due to the Brazilian authorities to acknowledge that Lieutenant Davis was kindly and courteously treated whilst in prison.

Two of the sailors were discharged on Thursday, the 5th of November, having been acquitted of all improper conduct, and Driscoll, who drew the knife, was detained for trial.

I have thus made from the testimony what appears to me to be a correct exposition of the facts. The scene was one of much confusion and excitement,—a great crowd had collected; facts related by some of the witnesses are not stated by others; and yet after all, the depositions essentially sustain each other.

His Excellency the Minister for Foreign Affairs endeavors to prove from the testimony of some of the witnesses, that Driscoll had been first seized by the Police guard and that Lieutenant Davis had attempted to rescue him out of their hands. He doubtless felt how ungracious it would have been for the Police to exercise the admitted right of taking a drunken sailor from the custody of his officer whilst in the act of taking him on ship board for punishment. In the ports of all countries where foreign men of war resort, when sailors go ashore, become intoxicated and violate police regulations by quarrelling with brother sailors, especially where they have insulted or injured none of the citizens of the country, their officers are always permitted to seize them and take them on board without obstruction unless they have been first apprehended by the police. This is the custom, founded on courtesy, among all nations. Their officers are the best police and severe discipline of a man of war the most efficacious punishment.

Now who seized Driscoll first, Lieutenant Davis or the Police guard? That the first seizure was made by Lieutenant Davis, no police guard being in sight at the time, is positively sworn by the Chaplain Lambert, Lieutenant Stark and Lieutenant Davis. The attention of the other four witnesses, Macoduck, M'Lennan, Wathington and Holliday was not drawn to the scene until the Police guard had come up to the back door of Brewer's store, to which place Lieutenant Davis had brought Driscoll. Indeed, the three first named of these last witnesses, from their position within the store could not possibly have seen what had occurred before Driscoll was brought to the back door; and when Holliday, the fourth witness, came down from the balcony of the Pharoux's hotel where he had been, he first saw the police attempting to take the men away. But Wathington, on whose testimony His Excellency mainly relies, expressly corroborates the testimony of Lambert, Stark and Davis in this particular. He swears positively that when he "first got to the place at the back door of the store," he "saw the police running there from the market place near by on the South". And what was the state of the affair when the police came up? Let Wathington himself answer the question. "I saw there was difficulty at the back of the store and I went up there and saw some seamen belonging to the United States squadron trying to get one of their comrades, who was drunk, into the store. *Lieutenants Davis and Stark were directing and aiding the seamen in doing so.*" So

that beyond all question Driscoll was in the custody of his officer when the Police first came up: and they took the seaman out of his custody.

The Minister for Foreign Affairs, whilst he has several times adverted to the testimony of the Brazilian witnesses in general terms, has not particularly cited any portion of it in support of his allegations, but has relied upon that of the American witnesses. Indeed, a copy of the Brazilian depositions never was furnished to Mr. Wise and I did not obtain one until it was delivered to me by Mr. Lisboa on the 4th February, last, after he and I had adjusted the controversy. Whilst I shall follow the example of the Minister for Foreign Affairs and not minutely examine that testimony, it may, however, be observed that neither in the report of the Corporal Santos of the Police Guard, who seized Driscoll, nor in the depositions of Guimaraez the Sergeant, nor in those of the soldiers of the fusileers, Sousa or Monteiro, nor of any other Brazilian witness, is any allusion whatever made to the occurrences at the back door of Brewer's store. They are entirely silent on this subject; and well they may be; because the improper conduct there and the cruel manner in which the sailors were treated, have caused the unfortunate difficulty between two Governments which ought ever to be friends. The Corporal Santos in his report of the 31st October, last, passes it all over by saying that he seized Driscoll "whilst he (Driscoll) was pursuing another with a knife in his hand, and then while conveying him to the prison of Aljube by order of the Most Illustrious sub Delegate of the District of San Jose, he was pursued by an English officer with a large number of seamen following". The Brazilian depositions are but an echo of this statement. I repeat, that they pass over entirely the important occurrences at the back door of Brewer's store, out of which the whole difficulty has originated. Had Lieutenant Davis attempted at that place to rescue Driscoll out of the custody of the Police, surely this fact would have been mentioned.

The brutal and cruel conduct of the Police towards the three sailors, both at the time and after they were taken from the custody of Lieutenant Davis, is not denied by His Excellency. On the contrary, he expresses regret for it; but yet, whilst speaking of "the inhuman mode which is said in the depositions to have been employed by the soldiers to oblige the seamen to follow them to prison", he says they "are certainly not to be carried by the arm like a lady, nor to be taken on the shoulders like children"! This is very true. But neither are they to be beaten with swords until they are covered with their own blood.

But the Minister for Foreign Affairs believes that after the Police Guard had seized the three sailors, and, joined by the soldiers, were conveying them to prison, Lieutenant Davis attempted to rescue them by force. If he had been guilty of such conduct, he would have been highly censurable. But is it credible that a single man armed with a sword, in the midst of a City containing two hundred thousand inhabitants, would be guilty of the insane

attempt to rescue by force three sailors out of the hands of a Police guard and a numerous escort of fusileers? If he had committed such an extravagance, he would be fitter for a mad house than to perform the duties of an American officer. Is it not much more reasonable to suppose, as he expressly swears, that he followed after the sailors for the purpose of making explanations to the Captain of the Guard and soliciting their discharge? This, as an American officer it was his duty to do. Had he abandoned these poor sailors in this the time of their utmost need, he would have disgraced the service to which he belongs. Indeed it was Lieutenant Stark who, according to the testimony of Mr. Wathington, first suggested the idea of following the guard, observing "It is a damned shame to see men treated in that way; come Davis let us go and see what they are going to do with them".

In order to establish the fact of this attempted rescue, much stress has been laid upon the circumstance that before Lieutenant Davis followed the guard, he returned into Brewer's store and put on a midshipman's sword which he found on the counter. It is plainly proven both by the depositions of Lieutenants Stark and Davis, that the latter started to return to the store, not for the purpose of putting on his sword, which he had not brought with him from the ship, but for that of obtaining an interpreter to accompany him to the Chief Officer of the Guard. Being reminded, however, by Lieutenant Stark of the propriety of wearing his sword as a point of etiquette on such an occasion (a question on which, among military men, there cannot be two opinions) and "finding a sword on the counter belonging to one of the midshipmen (as Mr. Macoduck swears) he took it up" after having engaged an interpreter. Having buckled on the midshipman's sword, the Minister for Foreign Affairs endeavors to convey the impression that he sallied forth to attack the Police Guard with their escort.

After Lieutenants Davis and Stark returned from the store of Brewer & Company, it is perfectly true that the former did run after the guard as stated by the Minister for Foreign Affairs. But was this for the purpose of attacking with his single arm the military force which surrounded the sailors and rescuing them, or merely for the purpose of overtaking them and standing by them upon their examination before the Chief Officer of Police? There is not one word in the testimony of the seven witnesses examined which gives the slightest color to the idea that he intended to attack the escort. Such an absurdity does not appear to have entered the mind of any one of them.

Lieutenant Davis outran Lieutenant Stark and first overtook the guard. None of his companions had then reached the spot. At this moment a scene occurred which I shall present in the language of Lieutenant Davis himself. "Whilst the interpreter was detained, he followed the soldiers and their prisoner, who had proceeded so far ahead that he was obliged to run some distance to catch up with them. He came up with them at the corner of the street passing by the palace. Several of the soldiers, he thinks six, faced

around and presented bayonets within a foot or two of his breast. He drew his sword and put it on guard, when the soldiers retreated. He then instantly sheathed his sword and followed to the palace steps."

The Minister for Foreign Affairs discredits this whole scene from the fact that none of the other witnesses mention it in their testimony. It is true they do not; but it is equally true that none of them had overtaken Lieutenant Davis when it occurred, and this in the midst of a crowded street. So far as regards the merits of the case; it is a matter of no importance whether it took place or not. It is only of consequence in regard to the character for veracity of a young officer who stands as high for truth and honor as any other in the American navy.

It is of far more importance to ascertain what occurred at the palace; and here, fortunately, we have a cloud of witnesses substantiating the same statement. The Minister for Foreign Affairs believes that Lieutenant Davis entered the guard room of the palace with a drawn sword in his hand. If he had founded such a belief upon the testimony of the Brazilian witnesses it would not have been remarkable, because the two privates of the fusileers and others swear to this extraordinary statement. Besides, Corporal Santos, to whose misconduct at the back of Brewer's store we owe the present unfortunate controversy, in his report from the Head Quarters of the *Permanentes* boldly affirms that Lieutenant Davis pursued him "and entered the guard room of the palace with a drawn sword in his hand in order to rescue the said seaman whom I [Santos] had made prisoner". But it is truly remarkable that the Minister for Foreign Affairs should have derived this belief from the testimony of all or any of the witnesses examined before the American Consul, not a particle of which affords the least color for such a statement.

Improbable as is the allegation that Lieutenant Davis attempted to rescue the sailors whilst in the street from the strong guard of *Permanentes* and soldiers by which they were escorted, the improbability is greater beyond all comparison that he should have made the crazy attempt of rushing into the palace with a drawn sword in his hand, filled as it then was with Brazilian officers and soldiers, for the purpose, with his single arm, of rescuing these sailors. This would truly have been to cast himself into the Lion's mouth. Fortunately for the sanity of Lieutenant Davis, he is relieved from this absurd charge by the witnesses examined before the American Consul, as well as by circumstances not denied by the Minister for Foreign Affairs.

That Lieutenant Davis was proceeding to the palace with no hostile intent, is demonstrated by the incident related by Mr. McLennan. That witness swears that as the Lieutenant "got near the palace, several of the sailors belonging to the United States men of war were crowding to where Mr. Davis stood, and I heard him order them back".

"On the palace steps the soldiers met Mr. Davis with fixed bayonets and drawn swords, which were put to his breast:" so swears the witness Maco-

duck. Mr. Holliday of London, a respectable British subject, and wholly indifferent between the parties, states this fact still more strongly, and swears that he shuddered at Lieutenant Davis' danger, "having made up my [his] mind that he would be bayoneted on the spot". In this critical and dangerous position, he drew his sword, as the witness verily believed, in self defence; but both he and Macoduck, the only witnesses then present at the steps, with the exception of Davis himself, swear positively that the sword was sheathed when he entered the palace. From the character of the whole transaction, this must have been the case. He entered the palace by the invitation of the officer of the guard; and surely he could not have entered it otherwise. To suppose that he did, would be to affirm that he entered it by force, in the face of a file of soldiers armed with muskets and fixed bayonets which were put to his breast, and stationed there to guard and defend its entrance. To say this, would be to charge the Brazilian soldiers with a cowardly violation of duty, a reproach which I feel confident they do not deserve.

The manner in which he entered, is clearly explained by Lieutenant Stark and himself.

Lieutenant Stark, of whose conduct the Minister for Foreign Affairs speaks approvingly, was some fifty yards behind, and therefore did not witness the scene to which I have just referred. When he came up, he found Lieutenant Davis inquiring "for the officer of the guard, who made his appearance. Something was said which deponent did not understand, but he judged from the motions of the officer that he invited Mr. Davis in. Mr. Davis then walked in and as soon as he stepped in, a voice in the crowd exclaimed in English,—“now you are a prisoner”. As soon as Mr. Davis entered, they forcibly attempted to take his sword from him, which he refused to give up.” At this time Lieutenant Stark started from the guard room to go back for an interpreter, but in proceeding out, was seized by soldiers at the steps and taken back, when the officer of the guard ordered him to be released.

The statement of Lieutenant Davis accords with that of Lieutenant Stark, though it is a little more minute. And here it is worthy of remark, that the incident at the palace gate which caused Mr. Holliday to shudder for his danger, is passed over by Lieutenant Davis without notice. This shows how little he desired to aggravate the case. He swears “that he followed to the palace steps, that he stopped there and asked for the officer of the guard in the Spanish language. In a few minutes the officer came to the door and invited the deponent to enter. He entered and immediately the officer laid his hand on the hilt of his sword, at the same time saying he was a prisoner. The deponent resisted the taking of his sword, upon which he was surrounded by officers and soldiers, a large number, and his sword was forcibly taken from him”.

Mr. Macoduck fully confirms this statement of the two officers, with additional particulars, in regard to all which took place previously to the entrance of Lieutenant Davis, into the palace "with his sword in its sheath," as he positively swears. Mr. Macoduck did not enter the palace and therefore does not testify to what occurred within.

How unfortunate was this treachery towards Lieutenant Davis! Had the captain of the guard, at the moment, dispassionately listened to the statement which he was prepared to make; confirmed as it would have been by Lieutenant Stark and others, the three sailors would doubtless have been remanded to his custody and the two Governments would have been spared the present unfortunate cause of irritation against each other. To sum up the whole, it appears conclusively that a drunken sailor who had drawn his knife on a companion, with two other innocent sailors, was forcibly taken out of the custody of their officer by the Police Guard when taking them to his boat; that these poor American sailors were beaten with swords until they were covered with their own blood; and that this officer who followed them to the guard house to plead their cause before the captain of the guard, after being invited to enter, was treacherously seized and confined in prison.

This being the position of the affair, Mr. Wise addressed a note to Baron Cayrú on the 2nd November,<sup>1</sup> concluding with an expression of his confident hope that the Imperial Government would disclaim and disavow this outrage in all its parts; that it would order the immediate release of Lieutenant Davis and the American sailors seized and imprisoned with him; and that it would cause the soldiers of the guard who took the sailors from Lieutenant Davis' command, and especially the officer at the time in command of the national guard, to be condignly punished.

Without further tracing the proceedings at Rio de Janeiro, it is sufficient to state that the whole case was transferred to Washington to be adjusted between Mr. Lisboa and myself. This was done, as I firmly believe, in a manner equally honorable to both parties. In consideration of the great desire felt by the American Government to cultivate the most friendly relations with Brazil, as well as of the firm and powerful representations of the able and faithful Brazilian Minister here, this Government abandoned the demand for the punishment of the captain and soldiers of the police guard of Brazil, and was contented with a simple expression of regret on the part of that Government on account of the unfortunate events of the 31<sup>st</sup> October, last, and an assurance that the proper means should be adopted to prevent similar occurrences hereafter. This Government asked nothing which we would not cheerfully have granted to Brazil under the like circumstances; and it was with amazement and regret we learned that the course of Mr. Lisboa had been condemned by his own Government, notwithstanding the Minister for Foreign Affairs himself, in his instructions, expresses his regret

<sup>1</sup> Below, pt. IV, doc. 599.

for the cruel manner in which the sailors were treated whilst they were being conducted to prison.

From all that precedes, you will not be surprised to learn that the President cannot comply with the demand of the Minister for Foreign Affairs and will not grant the reparation required by the Government of Brazil for the acts committed by Lieutenant Davis at Rio de Janeiro on the 31st October, last, reparation, in his opinion, being clearly due from Brazil to the United States and not from the United States to Brazil.

The second demand of the Minister for Foreign Affairs upon the Government of the United States is "a categorical declaration that it had disapproved the conduct of their Envoy Extraordinary and Minister Plenipotentiary at this [the Brazilian] Court, Mr. Henry A. Wise; and that it ordered his recall as a mark of reparation due to Brazil."

The latter part of the required declaration is of a most extraordinary character. It asks the President to falsify the truth of history and to declare that he had recalled Mr. Wise "as a mark of reparation due to Brazil"; when instead of this, the records of the Senate, published in the beginning of March, last, prove that he was recalled at his own request. I sincerely hope that from some strange accident the Minister for Foreign Affairs may not have known this to be the fact at the date of his instructions; because if he had, the demand could be viewed in no other light than an indignity to the President. He is asked to violate his personal honor and proclaim a known falsehood to the world, "as a mark of reparation due to Brazil".

In regard to Mr. Wise's conduct subsequently to the 31st October, last, in justice to Mr. Lisboa I have already stated that this subject was not embraced in the settlement between that gentleman and myself. On the contrary, in all our conferences, he obeyed the instructions of his government, and with a zeal, perseverance and ability which have rendered him an eminently successful minister in sustaining the interests of his country in the United States, he persisted in urging the recall of Mr. Wise on account of his conduct, especially on the occasion of the baptism of the Imperial Princess and the fête of the Emperor's birth day. The question, at Mr. Lisboa's request, was submitted to the President, who after careful deliberation, directed me to return the following answer, which I read to him on the 10th February, last, twenty days after the date of his note to me by which the affair of Lieutenant Davis and the three sailors was adjusted.

"After a mature consideration of all the circumstances arising from the imprisonment of Lieutenant Davis and the American sailors by the local authorities at Rio de Janeiro, the President does not believe that he could recall Mr. Wise without, by implication at least, subjecting him to a censure, which in the President's opinion he does not deserve for his conduct on the occasion. The President has arrived at this determination, notwithstanding his anxious desire to cultivate the most friendly relations with the Govern-



ment of Brazil. He trusts that any unpleasant impressions produced by this affair may speedily pass away and be forgotten, and that during the remainder of Mr. Wise's residence at the Imperial Court, nothing may occur to interrupt the harmony which ought ever to subsist between the two nations.

In answer to your inquiry when it is expected Mr. Wise will return from his mission, I am instructed to inform you, that some time ago and long before the imprisonment of Lieutenant Davis, that gentleman had asked to be recalled, and the President had determined to accede to his request. This affair having been happily adjusted between the two Governments, the President will not change his original determination. A vessel of war will, therefore, proceed from the United States to Rio during the next spring (probably in April or May) and will carry out a new Minister to Brazil. Soon after his arrival, Mr. Wise will return to the United States in the *Columbia* with Commodore Rousseau, whose term of service will then have expired."

Mr. Lisboa expressed much regret and dissatisfaction with this answer. He urged, among other arguments, as he had done before in conversation and continued to urge afterwards, that the purpose of keeping up diplomatic intercourse between nations was to preserve and strengthen their friendly relations with each other; and that, whenever, from any cause, a particular minister did not or could not accomplish this object, it was the custom of nations to recall him, on the request of the power to which he had been accredited. He cited some cases to prove that Ministers had been recalled for this reason alone, although particularly agreeable to the Governments by which they had been appointed.

Without contesting this general principle, I always answered him in the same manner. I observed that there must necessarily be exceptions to this rule, arising out of special circumstances, and that the present was a case of that kind. That it would be impossible to recall Mr. Wise without involving an admission that the Brazilian authorities had acted correctly in imprisoning Lieutenant Davis and the American sailors and a disapprobation of his efforts to obtain their release; and that the President would never, by his conduct, afford any ground for such an inference. After the settlement between Mr. Lisboa and myself, I said, in addition, that the object which the Brazilian Government had sought would now be accomplished, as Mr. Wise would leave that country early in the next summer; and with this they ought to be satisfied.

The instructions of the Minister for Foreign Affairs render it necessary that I should advert more particularly to the conduct of Mr. Wise and Commodore Rousseau on the 15th November and 2nd December, last.

On the first of these occasions, which was the celebration of the baptism of the Imperial Infant Isabella, Mr. Wise, although invited, did not appear at Court, nor did Commodore Rousseau fire a salute from the *Columbia*.

On the second occasion, which was the fête of the Emperor's birth day, Mr. Wise not being invited, did not of course appear at Court, nor did Commodore Rousseau fire a salute or hoist the flags of the Columbia.

In justice to Mr. Wise, it ought to be observed, that the Imperial Government are mistaken in supposing that it was through his advice or agency Commodore Rousseau omitted these ceremonies on either occasion. That gallant officer acted upon his own responsibility and from a sense of what he thought due to the honor of the American flag.

Whilst the President is anxious that our public functionaries in Brazil should pay all due honors to His Imperial Majesty and his august family, he cannot, under the peculiar circumstances, condemn either the Minister or the Commodore for the mere omission to perform acts of customary ceremony. They were both at the time smarting under the recent insult and indignity which had been offered to the flag of their country by the Brazilian authorities in the affair of Lieutenant Davis and the three sailors, and which had just been approved and justified by the Government of His Imperial Majesty, and they embraced these occasions to manifest the sense which they felt of this insult and indignity. But after all, they only omitted to perform acts of courtesy from a deep conviction of what was due to their country; and this ought never to form a subject of grave complaint or endanger the peaceful relations between two friendly governments.

Soon after these events, however, our vessels of war at Rio, greatly to the satisfaction of the President, commenced again, under the advice of Mr. Wise, to fire the customary salutes on festal occasions in honor of Brazil, and have, I believe, ever since continued this very proper and respectful practice.

In regard to the speech said to have been delivered by Mr. Wise on the occasion of a baptism on board of an American ship in the harbor of Rio, I can say nothing, that gentleman having never adverted to the subject in any of his communications. I have not seen any account of it except one which appeared in a very few American newspapers some six or seven months ago. As this speech has never been referred to by the Brazilian Government until the date of the instructions on the 31<sup>st</sup> May, last, I presume they must also have derived their information from the same newspapers. Whilst in entire ignorance of the whole transaction from any other source, I yet venture to hazard the assertion, that its publication was never sanctioned by Mr. Wise as the Minister for Foreign Affairs supposes.

3. You have also been directed to inform me in case Mr. Tod should have left the United States before your receipt of the instructions (which he had done) that "the Imperial Government is resolved not to receive him in his official character until he has agreed to give satisfaction, in the sense and terms in which you are charged to exact it." In other words: a serious controversy had been pending between the two Governments; this was amicably and honorably adjusted by the Brazilian Minister and myself;

his course has been disapproved by his Government, and in the very communication announcing this disapproval, I am informed that the Brazilian Government have taken the whole affair into their own hands, have prescribed the only terms upon which it can be settled, and have refused in advance to receive our Minister unless he should first agree to give the satisfaction required by these terms. All diplomatic relations are thus to cease between the two countries by the act of Brazil and the only means is to be rejected whereby national disputes can be peacefully and honorably adjusted, through the direct agency of the parties. When one independent nation thus assumes the lofty ground of dictating terms to another to which she could not have expected submission, at the same time announcing that unless these terms should be yielded all friendly intercourse between them must be suspended, the natural inference from such conduct is that she intends an open rupture. And yet it is scarcely conceivable that the Government of Brazil should deliberately resolve to sever, in a manner thus rude, the bonds of friendship which have hitherto so happily united the two nations. Under this impression, the President will take no decisive step, either in relation to the existing controversy or to the urgent questions which have long been pending between the two Governments, until he shall have first learned that the Government of Brazil have actually refused to receive the Envoy Extraordinary and Minister Plenipotentiary of the United States. In the mean time, he ardently hopes that upon further reflection, the Imperial Government may have adopted more pacific counsels.

I avail myself of this occasion [etc.].

P. S. As it is not clear from Mr. Wise's despatches that he had furnished Baron Cayrú with a copy of the depositions of the Chaplain Lambert and Lieutenants Davis and Stark, taken before the American Consul on the 5th day of November, last, I now furnish you such a copy for the use of the present Minister for Foreign Affairs.

J. B.

#### 472

*James Buchanan, Secretary of State of the United States, to David Tod, United States Minister to Brazil*<sup>1</sup>

No. 4

WASHINGTON, August 31, 1847.

SIR: On the third instant Mr. Leal, the Chargé d'Affaires of Brazil, called at the Department and informed me that he had been instructed by his Government to state to me, in personal conference: 1. That they had disavowed the settlement made between Mr. Lisboa and myself. 2. That in consequence thereof, he had been instructed to make an arrangement of the

<sup>1</sup> Instructions, Brazil, vol. 15.

affair of Lieutenant Davis with the Government of the United States. 3. That he had also been instructed to make an arrangement with this Government of the affair of Mr. Wise; and 4. That he had been instructed to communicate to me, that if Mr. Tod had not received instructions to arrange these two affairs, he would not be officially received by the Brazilian Government upon his arrival at Rio, nor until he had received such instructions.

After Mr. Leal had proceeded so far as to make known to me the nature of the demands of the Brazilian Government in regard to the affairs of Lieutenant Davis and Mr. Wise, I asked him if he proposed to discuss these questions in verbal conference. He replied that such were his instructions. I then objected to this mode of treating the questions. I said that the settlement between Mr. Lisboa and myself had been made in writing, and there ought therefore to be some communication in writing on the files of the Department to show that this settlement had been disavowed by the Brazilian Government;<sup>1</sup> that in regard to any new arrangement of the questions in dispute, the subject was one of great importance and might possibly involve the friendly relations between the two Governments; that this Government was responsible to the people and their Representatives for the manner in which their foreign relations were conducted; and I should therefore be unwilling that the proceedings between us on so grave a question should rest entirely on his memory and my own. Congress might call for information and I could not report in answer a private conversation between him and myself. Besides, we might differ in our recollection and thus involve the subject in still greater difficulties than existed at present. I therefore suggested to him the propriety of addressing me a communication in writing.

Mr. Leal replied that his Government was, also, a responsible Government; but his instructions were to treat with me on the subject in personal conference. Finally, however, after many remarks on both sides, but more on his part than mine, he promised that he would furnish me, within two or three days, either a memorandum in writing, or a copy of his whole instructions.

On the 5<sup>th</sup> instant he delivered to Mr. Derrick, in my absence from the City, a copy of his instructions, dated on the 31st May, last,<sup>2</sup> of which I now transmit you a copy. I also transmit you a copy of my answer to Mr. Leal dated on yesterday.<sup>3</sup>

These two documents will make you fully acquainted with the present state of the affair as well as with the views of the President, to which you will of course conform.

If the Brazilian Government have refused to receive you and should

<sup>1</sup> Most of a line is left blank in the file copy of this instruction at this point, as if it had been the intention to insert a few words later; and the next line begins with a capital letter.

<sup>2</sup> See below, pt. IV, doc. 617, Sr. Leal's note of August 2, 1847, asking for an appointment to communicate the orders from his government; and, in footnote 2, the text of the instruction of May 31, 1847, to Sr. Leal from the Foreign Minister at Rio de Janeiro.

<sup>3</sup> Above, this part, doc. 471.

persist in this course until you can no longer indulge a reasonable hope that you will be received without making the required apology, then it is the President's direction that you shall return to the United States. The frigate *Savannah*, on her return from the Pacific, will touch at Rio and may probably afford you the means of conveyance.

This whole affair is annoying, especially at the present moment. We have nothing to gain in honor, but much to lose in commercial interest by a rupture with Brazil. This ought to be avoided, if possible; but yet I need scarcely say that under no circumstances will the required apology be made. Still, it is very desirable that the Brazilian Government should receive you. In that event the settlement between Mr. Lisboa and myself might be permitted to remain, or at the worst, we might consider whether we would not suffer matters to continue in statu quo and thus pass into oblivion. On the other hand, should the Brazilian Government finally refuse to receive you, it may become the imperative duty of this Government to demand satisfaction from them, and in case of refusal, to enforce this demand.

Should diplomatic relations be suspended between the two Governments, this demand, as well as a demand for the payment of the long deferred claims of our citizens on the Brazilian Government, must be made by an officer of the Navy in command of an American squadron. This would necessarily cause much irritation.

The Government of Great Britain, through their Minister at Washington, have, on the 11th June, last, communicated information, with the facts upon which it is founded, to this Government, showing, "that the number of slaves introduced into Brazil from Africa in 1846, was no less than forty two thousand; and that the trade is openly carried on without any attempt at hindrance on the part of the authorities."<sup>1</sup> The African slave trade is a disgrace to the civilization of the nineteenth century; but thank God! Brazil is the only nation on the American continent where it is tolerated. I regret, however, to say that there is too much reason for believing that the Brazilians are aided in this nefarious traffic by American citizens and by vessels built in the United States for the very purpose. Our squadron upon the coast of Brazil has been instructed to use the utmost vigilance in discovering and capturing all American vessels on the open sea and beyond the Brazilian jurisdiction, whether outward or inward bound, engaged in the African slave trade. This will almost necessarily produce dangerous and delicate questions between the two Governments which, without the intervention of a Minister of the United States at Rio, may end in an open rupture. Indeed, the continuance of peace between the two nations may depend upon your reception by the Government of Brazil, as Envoy Extraordinary and Minister Plenipotentiary of the United States.

<sup>1</sup> The British note from which this is quoted has not been included in the present publication since it does not come directly within its scope.

In view of all the circumstances, therefore, I am specially directed by the President to instruct you to use all honorable efforts to be received by the Brazilian Government and not to leave Rio until these shall have been exhausted and the case has become hopeless.

I am, Sir, [etc.].

## 473

*James Buchanan, Secretary of State of the United States, to Felipe José P. Leal, Brazilian Chargé d'Affaires ad interim at Washington*<sup>1</sup>

WASHINGTON, November 15, 1847.

SIR: I have had the honor to receive your note of the 9th September,<sup>2</sup> with "the copy of the documents in the trial of the accused seaman, Michael Driscoll in which will be seen, as you observe, on the 11<sup>th</sup> leaf, the acknowledgement by the criminal made before the Court of the Subdelegation of San José, of the knife brought by him from on board the Sloop of War Saratoga and taken from him by the Patrol of the Police", &c.

This document has doubtless been presented to the Department for the purpose of proving that the police of Rio de Janeiro first arrested the seaman Driscoll and took possession of his knife, and of thus discrediting the positive testimony of the Chaplain Lambert and Lieutenants Davis and Stark of the American Navy, who have sworn positively to the fact that Driscoll was seized by Lieutenant Davis and deprived of his knife before the police guard was even in sight.

After the receipt of your note, I felt it to be my duty to send for Lieutenant Davis and receive his explanations upon the subject. These are full and satisfactory and are contained in his deposition taken on the 2nd instant before the Mayor of this City, a copy of which I have the honor to enclose. I also transmit you a copy of the deposition of Mr. Henry A. Wise, taken at the same time and before the same officer.

The depositions of Messrs Lambert, Stark and Davis, corroborated as they have been by the other four witnesses examined before the American Consul at Rio, had rendered it perfectly certain that the knife alleged to have been acknowledged by Driscoll as his own, could not have been the knife brought by him from on board the Saratoga. This knife had been delivered up to Lieutenant Davis by Driscoll in the grog shop where he was

<sup>1</sup> Notes to Brazil, vol. 6.

<sup>2</sup> The note referred to is not included in this publication, since it is nothing more than a covering note communicating the documents mentioned. The translation of the court record enclosed, covers thirty-nine pages. These duplicate some of the other numerous court records, affidavits, etc., filed with various related documents. None of these has been included in this publication because of its bulk, and because there was no dispute regarding the fact that a crime had been committed, or as to who was the criminal. The only really important dispute, and a matter of international importance, was as to whether the Brazilian police or the United States naval officer should have arrested and retained the criminal.

seized and handed over to the seaman named Rooney, who never was molested by the Police.

To whom, then, did the knife belong which was produced before the Sub Delegate of the police of San José, and in what manner did the Police obtain possession of it? Let the witness Wathington answer this question. In his deposition taken before the American Consul at Rio on the 1st November, 1846, he swears that whilst 'I (Wathington) was standing in the door of the palace, there was an American sailor standing there, also, a man of war's man, quite a peaceable spectator, and I think eating something at the time. A number of soldiers came running up behind him, *one of them seized a sheath knife in his belt*, then they caught hold of him, a number of them, and began to beat him, &c. The name of this man was Lansing Sanborn, miscalled Lanborn in the Brazilian proceedings against him, and it was his knife, not that of Driscoll, of which the Brazilian police thus obtained possession.

That the Police knew this to be the fact, is clearly established by another circumstance. The day after the arrest of Lieutenant Davis, on the 1st November, 1846, the sword which he had worn was brought into the room where he was confined as a prisoner, with a knife tied to it. The sword with the knife thus attached stood in the corner of the room and there Mr. Wise saw it when visiting Lieutenant Davis on the morning of the 2nd November. When Lieutenant Davis was released, he carried away the sword and left the knife of Sanborn behind. After this, the Brazilian police in order to furnish testimony to exculpate themselves, must have taken this knife to the Court of the Sub-delegate of police on the 5th November, following, and induced Driscoll, who had been in a state of such brutal intoxication that he was unconscious of all that passed on the 31st October, to acknowledge Sanborn's knife to be his own. That this was an after thought and that the Police had no such purpose on the 1st and 2nd November, is manifest from the fact that the knife was left with the sword in the custody of Lieutenant Davis to be taken away by him when released from imprisonment, had he thought proper. Lieutenant Davis swears, that "when Driscoll was asked by Sanborn why he had claimed or admitted his, Sanborn's knife to be the knife which had been taken from him, Driscoll, (on the 31st October, 1846) he, Driscoll, replied that 'there was enough of them in trouble already'. This was the reason why Driscoll acknowledged a knife to be his which he knew was not his and consequently Sanborn was released as innocent on the 5th November, 1846.

Thus it appears that the whole story was ingeniously invented by the Police to prove that they had first seized Driscoll and to shield themselves from the punishment from their own Government which they so well deserved. That the Brazilian Minister for Foreign Affairs did not attach any importance to this story of the knife at the date of his instructions to

you of the 31st May, last, is manifest from the fact that he has not even alluded to it throughout the whole of that able and elaborate document. For my own part, the first intimation which I ever received of it came from yourself in conversation on the 8th September, last, after you had received my note of the 30th August, last, in reply to the instructions of the Minister for Foreign Affairs.

After conversing with Mr. Wise since his return to this country, truth requires that I should now correct the mistake which I committed in having strongly expressed the belief in my note to you of the 30th August, last, that he had not sanctioned the publication in the United States of the speech made by him on the occasion of the baptism on the deck of the Frigate Columbia in the harbor of Rio. It is proper, however, to observe that he considered his participation in this transaction on board of a national vessel of war at some distance from the shore, to be of a private, not an official character, and that under such circumstances, he felt himself as free to express his sentiments as if he had been in the United States. The speech, as Mr. Wise observed to me, was neither intended for nor heard by the Brazilians, nor did any knowledge of it reach Brazil until after it had been published in some of our own journals and through this medium was sent back to Rio and there re-published.

I avail myself of this occasion [etc.].

## 474

*James Buchanan, Secretary of State of the United States, to Felipe José P. Leal, Brazilian Chargé d'Affaires ad interim at Washington*<sup>1</sup>

WASHINGTON, November 17, 1847.

SIR: I have the honor to acknowledge the receipt of your note of the 21st ultimo<sup>2</sup> with a copy of the instructions of His Excellency the Minister for Foreign Affairs to yourself, dated on the 30th August last.

The President is gratified to learn that Mr. Tod, the Envoy Extraordinary and Minister Plenipotentiary of the United States, has been kindly and courteously received by His Imperial Majesty.

Having already so fully and frankly presented the views of the President, in my notes to you of the 30th August, last and 15th instant<sup>3</sup>, in respect to the unhappy differences between the two Governments, I have nothing to add upon the present occasion except to say that these views remain unchanged.

<sup>1</sup> Notes to Brazil, vol. 6.

<sup>2</sup> Below, pt. iv, doc. 625. In note 2 to it, is the text of the instruction from the Minister of Foreign Affairs at Rio de Janeiro.

<sup>3</sup> For both of these notes, see above, this part, docs. 471 and 473, respectively.



The President is pleased to learn that an Envoy Extraordinary and Minister Plenipotentiary to the United States "will shortly be appointed" by His Imperial Majesty. He trusts that this high functionary will come to Washington instructed and prepared to settle all existing differences between the two Governments in a manner just and honorable to both countries. In expressing this desire, he feels constrained to reiterate his deep regret that the amicable and honorable adjustment of the affair of Lieutenant Davis and the American seamen, made by M<sup>r</sup> Lisboa and myself, had not proved satisfactory to the Brazilian Government. It is his sincere wish that every cause of misunderstanding between the two Governments should be speedily removed and that they should preserve and cultivate the most friendly relations with each other.

I avail myself of this occasion [etc.].

## 475

*James Buchanan, Secretary of State of the United States, to David Tod, United States Minister to Brazil*<sup>1</sup>

[EXTRACTS]

No. 7

WASHINGTON, November 22, 1847.

SIR: Your despatches to N<sup>o</sup> 9, inclusive, with the exception of N<sup>o</sup> 6,<sup>2</sup> have been received.

In reply to the request contained in your N<sup>o</sup> 3,<sup>3</sup> I am directed to inform you that the President, under all the circumstances, approves your conduct in asking an audience to present your credentials to the Emperor, and is gratified that you have been kindly and courteously received. He regrets however that in your speech to His Majesty you should have deemed it necessary to make any allusion whatever to your predecessor. From the known feelings of the Emperor towards that gentleman, you might have been certain that this would call forth a reply which could not prove agreeable to this Government, which had approved his conduct in the controversy arising out of the imprisonment of Lieutenant Davis and the three American sailors, and more especially as this affair was to be adjusted at Washington and not at Rio.

It is earnestly hoped that the Minister about to be sent to the United States by the Imperial Government, may come instructed and prepared to adjust this controversy in a satisfactory manner. The subject has yet attracted but little comparative attention in the United States; but when

<sup>1</sup> Instructions, Brazil, vol. 15.

<sup>2</sup> Below, pt. IV, doc. 622. His No. 9 does not come within the scope of this publication.

<sup>3</sup> See below, pt. IV, doc. 621.

all the papers in relation to it shall have been submitted to Congress, it will doubtless produce considerable excitement in the public mind. I understand that Mr. Wise will cause a call for these papers to be made by the one or the other branch of Congress. Should His Majesty think proper to restore Mr. Lisboa, who has been cruelly treated for doing his duty faithfully to his country, this would smooth the way to the adjustment of the difficulty. Indeed, in that event, the President might be willing to consign the whole affair to oblivion without further explanation. . . .<sup>1</sup>

I transmit, herewith, a copy of a note under date the 15th instant,<sup>2</sup> addressed by this Department to Mr. Leal, in answer to one from that gentleman which was accompanied by a transcript of the judicial proceedings at Rio against Michael Driscoll, the seaman whom the police of that City took from the custody of Lieutenant Davis on the 31st of October, 1846. It is to be hoped that the explanations contained in this note and in the depositions of Mr. Wise and Lieutenant Davis, to which it refers, will satisfy the Brazilian Government that the police were not so fortunate as to obtain possession of Driscoll's knife, at any time. Of the importance, however, for their exculpation of making this appear, they seem to have been well aware.

I am, Sir, [etc.].

#### 476

*John M. Clayton, Secretary of State of the United States, to Sergio T. de Macedo, Brazilian Minister to the United States*<sup>3</sup>

WASHINGTON, April 11, 1849.

SIR: Agreeably to your request, I now have the honor to express in writing the remarks which I have addressed to you orally in regard to the affair of Lieutenant Davis and the seamen of the United States sloop of War Saratoga.

On entering upon the office of Secretary of State, I was under the impression that this affair had been definitively arranged between M<sup>r</sup> Buchanan and the Chevalier de Lisboa. It seems, however, that this was an erroneous impression; that the Brazilian Government, supposing that the Chevalier de Lisboa had made concessions derogatory to their rights and not warranted by his instructions, had recalled him and had disavowed the part which he took in that transaction; that M<sup>r</sup> Leal, left by him as Chargé

<sup>1</sup> The omitted portion deals with claims and with the postponement of the effective date of a law affecting whale fishers.

<sup>2</sup> Above, this part, doc. 473.

<sup>3</sup> Notes to Brazil, vol. 6.

Sergio Teixeira de Macedo, to whom this note was addressed, had presented his credentials as envoy extraordinary and minister plenipotentiary of Brazil, on March 12, 1849. He went on leave in June, 1851; and took final leave by letter from Brazil, September 5, 1851. The placing of the "T" before Sergio in the address to this note was evidently an error. He signed his notes merely "S. de Macedo." In his letter of recall, the full name is given as transcribed at the beginning of this paragraph.

d'Affaires, having been instructed to effect a more satisfactory adjustment, endeavored, but fruitlessly, to accomplish that object, and that you are directed to revive the subject.

In the several conferences held with me, you have elaborately and ably pressed the reconsideration and reversal of the points discussed and decided by M<sup>r</sup> Buchanan in regard to this affair. The records of the Department do not disclose the substance of the verbal conferences between M<sup>r</sup> Leal and M<sup>r</sup> Buchanan on this subject. I am bound to presume, however, that M<sup>r</sup> Buchanan had good reasons for the course which he adopted. You affirm and I am sure it must be so, that M<sup>r</sup> Buchanan fully admitted the right of the authorities of Brazil to try and punish crimes and infractions of their police regulations committed in its territory by the sailors, citizens or subjects of any nation. Years have rolled away since this controversy commenced. M<sup>r</sup> Wise has returned to his own country and to private life. The two governments have continued their kind relations with each other. Friendly Ministers have been interchanged, and while declining now to open again an useless discussion, I take pleasure in stating to you, that the President regrets the occurrences which unfortunately led to a temporary misunderstanding between the two governments, and the more especially as he anxiously desires to cultivate with Brazil pacific and intimate relations, and cherishes towards the Constitutional Sovereign and the people of that great country, the most respectful and friendly regard.

I avail myself of this occasion [etc.].

## 477

*John M. Clayton, Secretary of State of the United States, to David Tod, United States Minister to Brazil*<sup>1</sup>

No. 24

WASHINGTON, April 4, 1850.

SIR: I transmit a copy of two notes under date the 24th ult, and of the documents which accompanied them, addressed to this Department by the British Minister<sup>2</sup> here, representing that the slave trade between the coast of Africa and Brazil is still carried on by United States Vessels. You will adopt any measures which the laws of the United States and that Empire may authorize and which may comport with your official position for the purpose of repressing the illegal traffic referred to.

Your despatches to N<sup>o</sup> 51, inclusive, have been received.

I am, Sir, very respectfully [etc.].

<sup>1</sup> Instructions, Brazil, vol. 15.

<sup>2</sup> For these two notes from the British Legation, see below, the volume and part containing Communications from Great Britain. Their enclosures, in footnotes to them, purported to contain indications that not all was being done that might have been done to suppress the slave trade.

*Daniel Webster, Secretary of State of the United States, to Sergio T. de Macedo, Brazilian Minister to the United States*<sup>1</sup>

WASHINGTON, May 7, 1851.

The Undersigned, Secretary of State of the United States, has the honor to transmit to the Chevalier de Macedo, Envoy Extraordinary and Minister Plenipotentiary of Brazil, a copy of a letter of the 5th. instant, addressed to this Department by the Secretary of the Navy, referring to the observations and studies of the winds and currents of the ocean by the Superintendent of the National Observatory in this City and in connexion therewith, of the river Amazon, and its capacity for increased commerce. It refers also to a Memoir already in the hands of Mr. Macedo, written by the Superintendent upon the same subject.

The government of the United States strongly favors all enterprizes and all political arrangements designed to explore new channels for commerce, and to increase the intercourse of nations. In all this it seeks no selfish or sinister end, desires nothing that others may not partake in and abstains with particular caution from the slightest interference with the just rights of other States. In his proposed visit home, Mr. Macedo will have opportunity to converse with his government upon this subject, and this Department will be very happy to hear from him in regard to it. The river Amazon is one of the most magnificent if not the most magnificent on the globe. It rolls a vast volume of water along many hundreds of miles to the sea, but as yet the amount of commerce upon its waves bears little proportion to its capacity. The intelligent government of Brazil gives undoubtedly all due consideration to the importance of this mighty stream and it will receive, as is trusted, this communication as a friendly suggestion upon a topic of general interest.

The Undersigned avails himself of this occasion [etc.].

<sup>1</sup> Notes to Brazil, vol. 6.

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*Daniel Webster, Secretary of State of the United States, to Robert C. Schenck, United States Minister to Brazil*<sup>1</sup>

[EXTRACT]

No. 2

WASHINGTON, May 8, 1851.

SIR: The relations between the United States and Brazil are of the most friendly character. The Convention between the two governments of the 27th. of January, 1849,<sup>2</sup> has been carried into effect on their part. Still, our citizens resident in or trading to that country may have had some few causes of complaint against the Brazilian authorities arising since the date of the Convention. It will be your duty to examine them, and make application to that government for redress, if this should in your judgment be proper.

The efforts of your predecessor to conclude a commercial treaty with Brazil, to take the place of that of 1828, which expired pursuant to notice from the Brazilian Government, have not been crowned with success. The President's Proclamation of the 4th. of November, 1847, directing the discontinuance of discriminating duties in United States ports pursuant to the Act of Congress of the 24th. of May, 1828, gives to Brazilian vessels and productions in our ports the same advantages which they enjoyed under the Treaty, and it is understood that like advantages are enjoyed by the vessels and productions of the United States in the ports of Brazil. Inasmuch, however, as any arrangement by means of reciprocal legislation is liable to be interrupted whenever either party may deem that expedient, it would be advisable to have it made continuous for a term of years by means of a treaty. The full power which you will herewith receive will enable you to enter upon a negotiation for that purpose whenever that government may be so disposed. You are referred to the instructions given to Mr. Tod upon this subject<sup>3</sup> and will be guided by them so far as they may be applicable to the existing state of our relations with Brazil.

It is understood that the Brazilian government has recently been active in the execution of its own laws for the suppression of the African slave trade. If it shall persevere in this, it may not be necessary for you to take any steps with a view to carrying into effect the ninth Article of the treaty

<sup>1</sup> Instructions, Brazil, vol. 15.

Robert C. Schenck, of Ohio, to whom this instruction was addressed, was commissioned envoy extraordinary and minister plenipotentiary to Brazil, on March 12, 1851, which post he held until October 8, 1853. While filling this post, he was also associated with John S. Pendleton, chargé d'affaires at Buenos Aires, in negotiating treaties with that country, Paraguay and Uruguay. In 1870, he became minister to Great Britain.

<sup>2</sup> A claims convention,—printed in *Treaties, Conventions, etc. Between the United States and Other Powers*, and in other publications.

<sup>3</sup> The instructions referred to do not come within the scope of this publication, as delimited in the preface to the first volume; neither would this paragraph and part of the preceding one have been included except for their brevity, and for the light they cast on the relatively friendly relations between the two governments.

of Washington of the 9th. of August, 1842. If, however, during your mission an occasion should arise for the remonstrances to which that article refers, you will address them orally or in writing to the Brazilian Minister for Foreign Affairs.

You will herewith receive a copy of a letter of the 5th. instant addressed to this Department by the Secretary of the Navy, suggesting the expediency of an arrangement between this government and that of Brazil for the free navigation of the Amazon river. A copy of the letter has also been communicated to Mr. Macedo with a note<sup>1</sup> expressing a disposition to enter into the arrangement here whenever he might be furnished with powers for the purpose. You will, upon a suitable occasion, sound the Minister for Foreign Affairs upon the subject, and if you should find him favorably disposed towards it you may suggest the transmission to Mr. Macedo, of a power and instructions in regard to it or, if the Minister should prefer that the negotiation should be carried on at Rio de Janeiro, a power and instructions will be transmitted to you.<sup>2</sup> . . .

I am, Sir, very respectfully [etc.].

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*John J. Crittenden, Acting Secretary of State of the United States, to Robert C. Schenck, United States Minister to Brazil*<sup>3</sup>

No. 9

WASHINGTON, October 25, 1851.

SIR: The President has been gratified by the information communicated by Mr. Tod and yourself, that in consequence of a recent attack on a Brazilian coasting vessel by a British ship of war, the Imperial government might confer upon some other nation the privilege of carrying on its coasting trade, and that the flag of the United States would probably be chosen for the purpose. In adopting this measure, that government would show a sagacious regard for the interests of Brazil and it would be received by this government as a flattering proof of confidence and good will. It is presumed, however, that if the franchise should be bestowed upon the vessels of the United States, this would be effected by Imperial Decree or legislative enactment, and that no treaty stipulation upon the subject would be expected from this government, engaging to confer a special equivalent on Brazil. Such an expectation could in no event be fulfilled. We could not either by law or by treaty, reciprocate the grant, because as the coasts of the United States are much more extensive than those of Brazil, reciprocity would not

<sup>1</sup> Above, this part, doc. 478.

<sup>2</sup> The omitted portion directed him to endeavor to obtain relief for a Boston company in a minor commercial matter.

<sup>3</sup> Instructions, Brazil, vol. 15.

be an exchange of equivalents. The disparity in the value of the coasting trade of the two countries could seem to be especially glaring, when it is considered that the intercourse by sea between the Atlantic States and California and Oregon is considered by us to be a coasting trade.

The impracticability of reciprocating the grant by Treaty will also be acknowledged, when it is known that we have treaties with several nations of small territorial extent, promising not to confer a particular favor upon any other nation which shall not be conferred upon them upon the same terms.

If, however, Brazilian statesmen will take a correct view of all the circumstances, the President is persuaded that they will not hesitate in reaching the conclusion, that the interests of that Empire would not require any other advantages from the United States than those which are now enjoyed by the trade of Brazil with this country, and which would flow from the greater safety and despatch with which Brazilian property embarked in United States vessels would be conveyed between different ports on the Brazilian coast. The superior safety of their property in our vessels would not arise solely from its being protected by our flag from aggression by other powers, but from the excellence in the build of United States vessels and the skill with which they are navigated.

In the fiscal year ending in July, 1850, coffee to the value of eleven millions two hundred and fifteen thousand and seventy six dollars was imported into the United States. Of this the value of seven millions four hundred and twenty two thousand six hundred and eight dollars was received from Brazil alone, the balance, about one third, being the value of the article received by us from all the other coffee bearing countries on the globe. No duties are levied upon this Brazilian staple in the ports of the United States. Brazil receives from us a very small part of our productions in payment for her coffee, and upon flour, the most important of these, she levies a considerable duty. If, therefore, the Brazilian shipping interest should object to the employment of United States vessels in the coasting trade of that country, discerning persons there not directly interested in that business, would it be presumed, acknowledge the benefit which Brazil would derive from the measure and would not look for any special compensation from the United States.

I am, Sir, very respectfully [etc.].

*Daniel Webster, Secretary of State of the United States, to Robert C. Schenck, United States Minister to Brazil*<sup>1</sup>

No. 15

WASHINGTON, April 29, 1852.

SIR: Since the fall of Rosa's, it seems to have occurred to the principal commercial States that an opportunity would be afforded to obtain an important vent for their productions by means of the mighty rivers which flow through or bound the territories of the Argentine Confederation. The subject has attracted the attention of the British Parliament, and it is understood that the government of Great Britain is about to despatch a Special Minister to Buenos Ayres for the purpose of proposing arrangements with a view to secure the object referred to. From conversations also, which have been had with Mr. Crampton, Her Britannick Majesty's Minister here, it seems that the matter has been officially brought to the notice of the French government by that of Great Britain and the coöperation of this government has likewise been invited. The President, in view of the well known and uniform policy of the United States is, consequently, disposed to coöperate with other powers in extending the benefits of commercial intercourse to those remote regions. In adopting this course, he is not actuated by any desire to seek peculiar advantages for the United States, nor would he consent that other governments should obtain monopolies or exclusive privileges. We are not well advised of the actual State of political affairs in that quarter. The general impression however, is, that as the restrictive policy of Rosas had more or less influence in inciting and directing that hostile opposition to his rule which has resulted in his overthrow, his successor will reverse that policy. How far this impression may prove to be well founded, it would be unsafe to predict when the prejudices of statesmen of the Castilian race and other circumstances shall be taken into due consideration. Even if General Urquiza should be disposed to allow a more free admission of foreign products into the Argentine Confederation, he may not be willing to permit them to be conveyed on more or even on equally favorable terms along the Argentine rivers when destined to other countries in which those rivers take their rise or through which they flow in part. Still less could he be expected to permit those rivers to be navigated by foreign vessels, whether propelled by steam or by sails or whether their voyages along the rivers should be limited to points within his own country or extended to the territories of the Uruguay, of Brazil, of Bolivia, or of Paraguay. It is well known that Rosas resolutely refused to acknowledge the independence of the latter State, and when he supposed that it was the intention of the administration of President Polk to acknowledge it, officially protested against it in advance through the Minister of the Argentine Confedera-

<sup>1</sup> Instructions, Brazil, vol. 15.



tion accredited to this government. And even if Urquiza should acknowledge that independence, the act would be of no advantage either to foreign powers or to Paraguay herself if he should refuse free access to and from that country by the rivers which empty into the La Plata. As his own territories occupy both banks of some of those rivers, he would have at least a show of right for this refusal, as much, indeed, as Great Britain has for withholding from the United States the free navigation of the St. Lawrence.

In the judgment of the President, however, the probabilities of the adoption of a liberal policy by Urquiza are sufficiently strong and its importance to the interests of the United States is great enough to warrant and require vigilance and activity on our part towards securing any advantages which may be derived therefrom. This is the more necessary for us in contradistinction to Great Britain, as we have never had any treaty with the Argentine Confederation, whereas Great Britain has long had one with that State from which her navigation and commerce have enjoyed more or less advantages over those of the United States. You will consequently repair to Buenos Ayres, and, in concert with Mr. Pendleton the Chargé d'Affaires of the United States at that place, you will propose to the Buenos Ayrean government a treaty of commerce with the United States. Such a treaty, if concluded upon a broad basis such as that of the treaty between the United States and the Republic of Costa Rica of which copies are herewith enclosed, would be sufficient for the purpose. A treaty upon any other basis, however, not inferior to that which Great Britain or other powers may have or may conclude with that government would be acceptable.

A full power authorizing you to act jointly with or, in case of accident, separately from Mr. Pendleton, is herewith transmitted. It is presumed your absence from Rio de Janeiro need not be prolonged beyond [blank]<sup>1</sup> months. You will present Mr. Coxe as Chargé d'Affaires *ad interim* during that time. You will of course be allowed your travelling expenses to and from Buenos Ayres of which you will keep a separate account to be supported by vouchers when they can be obtained. For those expenses actually incurred, you will draw on this Department, specifying the object on the face of your drafts. A letter from the President of the United States, introducing you to the President of the Argentine Confederation, one from myself to the Minister for Foreign Affairs of that Confederation, and a special passport which you will no doubt find useful, are also herewith transmitted.

I am, Sir, very respectfully [etc.].

<sup>1</sup> Here, a blank was left in the file copy as if for the subsequent insertion of the number.

*Daniel Webster, Secretary of State of the United States, to Robert C. Schenck, United States Minister to Brazil*<sup>1</sup>

No. 16

WASHINGTON, April 29, 1852.

SIR: It is considered probable that, if the independence of Paraguay should be acknowledged by the government of the Argentine Confederation, that Republic will accredit a diplomatic agent to the Argentine government. In view of this contingency, the President has empowered Mr. Pendleton and yourself to conclude a commercial treaty with that Republic. You will accordingly sound the Paraguayan Minister upon the subject, and suggest to him that he apply for powers and instructions to negotiate and conclude such a treaty, if he should not already have been provided with them. If, however, there should be no diplomatic agent of Paraguay at Buenos Ayres during your visit there, you may make overtures on the subject of a treaty to the Paraguayan Minister at Rio de Janeiro, should there be a functionary of that character accredited to the Brazilian government.

No special instructions are deemed necessary to enable you to carry into effect the power to Mr. Pendleton and yourself to negotiate a Treaty with the Oriental Republic of the Uruguay.

You will keep an account of your travelling expenses, which must be supported by vouchers when they can be obtained, and will draw on this Department for their amount.

Your despatches to N<sup>o</sup> 19,<sup>2</sup> inclusive, have been received.

I am, Sir, very respectfully [etc.].

*William L. Marcy, Secretary of State of the United States, to Francisco de Carvalho Moreira, Brazilian Minister to the United States*<sup>3</sup>

WASHINGTON, April 20, 1853.

The Undersigned, Secretary of State of the United States, has the honor to acknowledge the receipt of the note addressed to him on the 4th. instant<sup>4</sup> by Mr. de Carvalho Moreira, Envoy Extraordinary and Minister Plenipotentiary of His Majesty, the Emperor of Brazil, in which reference is made to certain newspaper articles recently published which have created the impression on the mind of Mr. Moreira that a steamer of the United States is in

<sup>1</sup> Instructions, Brazil, vol. 15.

<sup>2</sup> Not within the scope of this publication.

<sup>3</sup> Notes to Brazil, vol. 6.

Francisco de Carvalho Moreira presented his credentials as envoy extraordinary and minister plenipotentiary of Brazil, on September 21, 1852. He took leave on August 1, 1855.

<sup>4</sup> Below, pt. IV, doc. 641.

the Amazon, which has been sent thither for the purpose of exploring that river; and Mr. Moreira desires to be informed whether any steamer, belonging either to the merchant service or to the Navy of the United States has been despatched to the Amazon with the knowledge of the authorities, and if said steamer be now there under the circumstances mentioned.

Considering the frequent inaccuracy and exaggeration of newspaper statements when not officially promulgated, and conscious, at the same time of the scrupulous regard with which his Government studies to respect the rights of friendly powers, the undersigned might at once have denied the truth of such allegations so far as any official proceedings of the United States may have given occasion for them. But he preferred to enclose a copy of Mr. Moreira's note to the Secretary of the Navy, enquiring whether there was any vessel of the United States under orders to enter the territory of Brazil by the Amazon river or whether any expedition of this nature had been organized or countenanced by the Navy Department. In reply to these inquiries the Secretary of the Navy alleges that no vessel is bound to the waters of the Amazon under the instructions of that Department, but he suggests that some misapprehension on this point may have arisen from the organization of an expedition for the exploration of the valley of the Amazon, the origin of which the Undersigned will endeavor briefly to explain to Mr. Moreira.

In connection with the observations and studies of the winds, and ocean currents which have been for some years prosecuted by the Superintendent of the National Observatory in this City, it was thought desirable to examine the course, capacity, and other physical phenomena of the River Amazon and the valley thro' which it flows. Accordingly on the 7th. May, 1851, a note was addressed by this Department to the Chevalier Sergio T. de Macedo,<sup>1</sup> the predecessor of Mr. Moreira, communicating a copy of a letter of the 5th. of the same month in which the Secretary of the Navy explained fully the wishes and intentions of the Navy Department in organizing this expedition. In the note of the Department to the Chevalier Macedo, every selfish or sinister motive was frankly and fully disclaimed, and the Minister of Brazil, who was then on the eve of departing for his home, was kind enough to give to the officers destined for this exploration passports and letters to enable them to descend the river Amazon to its mouth, for the purpose "of gratifying a liberal curiosity and extending the limits of geographical knowledge in which Brazil and all other civilized States have a common interest." Of these officers one had returned prior to the close of the last year, but the other, having pursued a different route did not reach the United States with his comrade.

In all the proceedings thus detailed Mr. Moreira will observe that the government of the United States has carefully avoided any infringement of

<sup>1</sup> Above, this part, doc. 478.

the rights of Brazil, or any disregard of the courtesy due to a power with which it cultivates the most cordial relations.

To revert to the Mercantile Marine of the United States which is referred to in the note of Mr. Moreira, the Undersigned has the honor to inform him, that it is quite impracticable, in view of the immense extent of the commerce of the American Union, for the Government of the United States to be cognizant of the destination and ultimate objects of all the vessels that leave the ports of this country. Nevertheless, the Undersigned is quite ready to assure Mr. Moreira, that the officers of the customs would not knowingly facilitate the departure of any vessel which contemplated any violation of the laws of Brazil.

If, however, any vessel should have sailed with this object in view, she renders herself of course, amenable to these laws, and the Government of the United States will not assume the responsibility of justifying the act.

The Undersigned avails himself of this opportunity [etc.].

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*William L. Marcy, Secretary of State of the United States, to William Trousdale,  
United States Minister to Brazil*<sup>1</sup>

No. 3

WASHINGTON, August 8, 1853.

SIR: The most important object of your mission—an object to which you will devote your early and earnest efforts—is to secure to the citizens of the United States the free use of the Amazon. There are several Republics with which our countrymen have commercial intercourse, situated on the upper waters and tributaries of that Great River. With these States they would carry on an extensive trade were not our vessels excluded from approaching their internal ports by the selfish and unjustifiable policy of the Brazilian government, which claims and has hitherto exercised the right to obstruct the trade of the countries bordering upon and contiguous to the Amazon, with foreign nations through this great natural highway. The assumption and exercise of this right is not only injurious to the interests of the States on the navigable waters of the Amazon but to all other nations wishing to use these waters for the purpose of commercial intercourse.

This restricted policy which it is understood Brazil still persists in maintaining in regard to the Navigable Rivers passing through her territories is the relic of an age less enlightened than the present. The doctrine upon this

<sup>1</sup> Instructions, Brazil, vol. 15.

William Trousdale, of Tennessee, the writer of this despatch, had been commissioned envoy extraordinary and minister plenipotentiary to Brazil, on May 24, 1853. He appears to have retained the position until December 5, 1857, on which date he took leave.

subject is clearly presented in the following extract from Wheaton's "*Elements of International Law*."

Things of which the use is inexhaustible, such as the sea and running water [including of course navigable streams] cannot be so appropriated as to exclude others from using these elements in any manner which does not occasion a loss or inconvenience to the proprietor. This is what is called an *innocent use*. Thus we have seen that the jurisdiction possessed by one nation over sounds, straits, and other arms of the sea, leading through its own territory to that of another, or to other seas common to all nations, does not exclude others from the right of innocent passage through these communications.

The soundness of this principle cannot, I presume, be controverted by the Imperial government of Brazil. It will not therefore, it is believed,—without denying rights to our citizens, to which they are fairly entitled,—longer withhold from them the use of the Amazon to carry on commercial intercourse with Ecuador, Peru & Bolivia, New-Granada and Venezuela. You will claim from it the renunciation of any authority she may have heretofore exercised to prevent the passage of the merchant vessels of the United States up and down that River in their legitimate commerce with any of these Republics. You are instructed to claim for our citizens the use of this natural avenue of trade. This right is not derived from Treaty stipulations—it is a natural one—as much so as that to navigate the ocean—the common highway of Nations. By long usage it is subject to some restrictions imposed by nations through whose territories these navigable rivers pass. This right however to restrict or regulate commerce carried to its utmost extent does not give the power to exclude such rivers from the common use of Nations.

Should you discover any reluctance on the part of the government of Brazil to yield to this just claim you will impress upon it the determination of the United States to secure it for their citizens. The President is desirous to cultivate the most amicable relations with that government and would much regret to have these relations disturbed by its persistence in a policy so much at variance with all the liberal views of civilized and enterprising nations.

We claim for this continent the same privileges which nearly forty years ago were arranged by common consent and have been ever since applicable to the navigable rivers of Europe. The regulations adopted by the allied sovereigns at the Congress of Vienna in 1815 on this subject were but the recognition of the law of nations in regard to the use of navigable rivers passing through different realms, as will appear from the following extract.

#### FREEDOM OF NAVIGATION

"Navigation, throughout all the courses of those rivers indicated in the preceding article, from the point where each becomes navigable, to the mouth of the same, shall be entirely free, and may not, for commercial purposes, be interdicted to any one; provided that the regulations relating to the police of

said navigation shall be observed; which regulations are to be uniform and as favorable as possible to the commerce of all nations."

We have had no Convention with Brazil since 1843, and she is manifestly *indisposed to obligate herself* to us by entering into new stipulations. With nearly all the civilized powers and States of the earth we have treaties of Amity, Commerce, and Navigation. She has hitherto refused to conclude even a reciprocal Consular Convention with us. We place her Consuls upon the footing of those of the most favored nation, while our interests are constantly suffering in Brazil for the want of such privileges as we thus accord. We take from her without imposing any duty whatever upon its importation, more of her staple product than we take of that article from all the rest of the world. For the year ending the 30<sup>th</sup> of June last the value of the Brazilian Coffee which entered our custom-houses amounted to \$10,064,740, while our entire value of domestic exports to Brazil for the period terminating the same day amounted to only \$2,782,179.

You will represent the inequality which exists in our relations with that Empire so much to our detriment and urge<sup>1</sup> to the consideration of its government upon every suitable occasion, the importance to our interests of obviating it by a judicious Convention; in which the right which we claim to carry our products upon the Amazon to a third country shall be fully recognized.

I am, Sir, respectfully [etc.]

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*William L. Marcy, Secretary of State of the United States, to Francisco de Carvalho Moreira, Brazilian Minister to the United States*<sup>2</sup>

WASHINGTON, September 22, 1853.

The Undersigned, Secretary of State of the United States, has the honor to acknowledge the receipt of the note addressed to him under date of the 15<sup>th</sup> ultimo,<sup>3</sup> by the Commander Carvalho Moreira, Envoy Extraordinary and Minister Plenipotentiary of His Majesty, the Emperor of Brazil, in relation to the preparations alleged to be in progress in the City of New York, having in view, as is supposed, the illegal, and, if necessary, the forcible entrance of the Amazon river and its main tributaries.

The Undersigned had hoped that the solicitude entertained by Mr. Moreira upon the subject, would have been relieved by the reply which he had the honor to address on the 20th of April, last,<sup>4</sup> to Mr. Moreira's note of the 4th. of the same month.<sup>5</sup> The undersigned, consequently, perceives with

<sup>1</sup> This follows, faithfully, the file copy of the document as originally written. A pencil line, however, is drawn through the word and above it is written in pencil, evidently in a different hand, the word "bring," which would, of course, fit the sense better.

<sup>2</sup> Notes to Brazil, vol. 6.

<sup>4</sup> Above, this part, doc. 481.

<sup>3</sup> Below, pt. IV, doc. 644.

<sup>5</sup> Below, pt. IV, doc. 641.

some surprise, that Mr. Moreira has permitted his apprehensions to be revived by news-paper rumors to this effect.

1<sup>st</sup> That certain adventurers are fitting out steam-vessels for the purpose of forcing an entrance into the Amazon, and thereby reaching Peruvian and Bolivian ports: and

2<sup>dly</sup> That Lieu<sup>t</sup> Porter of the United States Navy has received a leave of absence for two years for the purpose of taking command of this expedition.

Mr. Moreira also alleges that these newspaper statements have been confirmed by information which he has himself obtained upon the subject. The Undersigned is persuaded however that none of it is entitled to confidence. Mr. Moreira will perceive from the letter addressed to this Department by the Secretary of the Navy, a copy of which is herewith transmitted, that no furlough has been granted to Lieu<sup>t</sup> Porter. The greater probability is, that the government or citizens of Peru, aware of the facilities which this country affords for constructing and fitting out steamers, have taken measures for availing themselves of these facilities for the purpose of navigating the Amazon, pursuant to the recent treaty between Brazil and Peru.

The government of the United States has never countenanced or encouraged any hostile enterprise from this country against the territories of a friendly power. On the contrary, laws have repeatedly been enacted for the purpose of frustrating such enterprises. These laws are believed to be ample for their object, and no distrust can be entertained of the fidelity of the officers who are charged with their execution. Letters have, however, been addressed by this Department to the Attorney of the United States, and to the Collector of the Customs at New York, apprizing them of the apprehensions expressed in Mr. Moreira's note, and warning them to be vigilant towards preventing any violation of the laws above referred to.

The undersigned is at a loss to comprehend how Mr. Moreira could for a moment entertain the suspicion that an officer of the Navy of the United States would receive a furlough for the very purpose of taking command of the supposed illegal expedition. Mr. Moreira will be assured by the letter of the Navy Department that no naval officer could obtain its consent to his engaging in any such undertaking.

The undersigned is not disposed to deny that the advantages to general commerce which a navigation of the Amazon and its tributaries would afford, must long have been a conviction of intelligent and enterprising citizens of this country. This conviction may have led to a wish on the part of some of them to be the pioneers in the undertaking. The undersigned cannot, however, presume, that they would carry this into effect in violation of the laws of Brazil, knowing that they could never receive any countenance from this government in an enterprise which contemplated a disregard of the rights of that Power. If, however, contrary to all just expectations, they

should have the temerity to take such a course, they must expect to incur the penalties which those laws prescribe.

The undersigned, however, permits himself to entertain the hope, that the Brazilian government, actuated by an enlightened regard for the interests of the Empire, will strive, by all proper means, to develop its vast resources. It appears to the undersigned that no measure would be more certain to lead to this result, than the removal of unnecessary restrictions upon the navigation of the Amazon, and especially to the passage of vessels of the United States to and from the territories of Bolivia and Peru, by the way of that river and its tributaries. It is hoped that by means of treaty stipulations those advantages may be obtained for citizens of the United States.

The undersigned avails himself of this occasion [etc.].

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*William L. Marcy, Secretary of State of the United States, to Francisco de Carvalho Moreira, Brazilian Minister to the United States*<sup>1</sup>

WASHINGTON, December 1, 1853.

The Undersigned, Secretary of State of the United States, has the honor to acknowledge the receipt of the note of Mr. de Carvalho Moreira, Envoy Extraordinary and Minister Plenipotentiary of Brazil, of the 28<sup>th</sup> instant,<sup>2</sup> referring to a recent newspaper statement in regard to the organization of a Company at New York, for the purpose of navigating the Amazon River by steam, and suggesting the expediency of renewing to the present Collector of the Customs at that Port, the orders which were given to his predecessor on the subject, pursuant to Mr. Carvalho de Moreira's note to this Department of the 15th. of August, last.

In reply, the Undersigned has the honor to acquaint Mr. de Carvalho Moreira, that the newspaper statement to which he refers is considered to be too indefinite to serve as a foundation for any official proceedings of this Department. Mr. Hermon J. Redfield, the present Collector at New York, has, however, been furnished with a copy of the letter which was addressed by the Department to his predecessor Mr. Greene C. Bronson, and his attention has been officially invited to the subject.

The government of the United States is determined faithfully to discharge all its obligations to the government of Brazil. In carrying this purpose into effect, however, its proceedings must be in accordance with existing laws. These, authorize no act with a view to the arrest of persons or the detention of property upon mere suspicion of an intention to commit an offence.

<sup>1</sup> Notes to Brazil, vol. 6.

<sup>2</sup> Below pt. iv, doc. 657. The use of the word "instant" instead of "ultimo" was evidently due to inadvertence.



There must be reasonable probability of such intention, and the person entertaining it, must so declare on oath before a magistrate competent to administer the same. This jealousy of the rights of persons and of property which is characteristic of the legislation of the United States, is more or less difficult of comprehension by those who have been accustomed to a different system, and may sometimes lead them to doubt, both the efficacy<sup>1</sup> the laws themselves and the fidelity of those who are entrusted with their administration, when, in point of fact, no cause for such doubt may exist.

The undersigned avails himself of this occasion [etc.].

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*William L. Marcy, Secretary of State of the United States, to Francisco de Carvalho Moreira, Brazilian Minister to the United States*<sup>2</sup>

WASHINGTON, January 25, 1854.

The Undersigned, Secretary of State of the United States, has the honor to acknowledge the receipt of the note of the Commander de Carvalho Moreira, Envoy Extraordinary and Minister Plenipotentiary of His Majesty, the Emperor of Brazil, dated the 16th. instant,<sup>3</sup> with which is transmitted by order of the Imperial Government, a copy of a despatch addressed by the Department of Foreign Affairs of Brazil, on the 7th. November last,<sup>4</sup> to its diplomatic representative near the government of the United States, in relation to the Treaties respecting the free navigation of the rivers Parana and Uruguay, concluded at San José de Flores, on the 10th: July 1853.

The Undersigned has the honor to inform Mr. Moreira that this communication will receive the careful consideration which the importance of the subject demands; and avails himself [etc.].

## 488

*William L. Marcy, Secretary of State of the United States, to William Trousdale, United States Minister to Brazil*<sup>5</sup>

No. 14

WASHINGTON, May 26, 1854.

SIR: It may be agreeable to you to be informed that William E. Venable, Esquire, of Tennessee, has been appointed Secretary of the Legation of the United States at Rio de Janeiro. Mr. Venable has not yet signified his ac-

<sup>1</sup> This apparent omission of the word "of" was noted in the file copy.

<sup>2</sup> Notes to Brazil, vol. 6.

<sup>3</sup> Below, pt. IV, doc. 658.

<sup>4</sup> The instruction of November 7, 1853 is appended to and printed with the note of January 16, 1854. See below, pt. IV, doc. 659.

<sup>5</sup> Instructions, Brazil, vol. 15.

ceptance of this appointment, but, in the event of his doing so it is hoped that no unnecessary delay will prevent his joining your Legation.

The Department has received with much satisfaction the intelligence communicated in your recent despatches<sup>1</sup> with reference to the supposed favorable disposition of the Imperial Council of State upon your propositions for the free navigation of the Amazon. Your course in connection with this delicate and important subject has been judicious and is highly commended; and it is hoped that the next despatches from you will announce the confirmation by the Imperial Government of that favorable action which you had learned had been adopted by the Council.

No despatches have been received later than your N<sup>o</sup> 7.

I am, Sir, respectfully [etc.].

## 489

*William L. Marcy, Secretary of State of the United States, to Francisco de Carvalho Moreira, Brazilian Minister to the United States*<sup>2</sup>

WASHINGTON, November 16, 1854.

The Undersigned, Secretary of State of the United States, has the honor to acknowledge the receipt of the note of the Commander de Carvalho Moreira, Envoy Extraordinary and Minister Plenipotentiary of His Majesty the Emperor of Brazil, of yesterday's date,<sup>3</sup> requesting the decision of this Government in relation to the subject of the note addressed by the Imperial Minister of Foreign Affairs to the Commander Moreira under date of 7th. November, 1853,<sup>4</sup> and by him communicated to this Department.

The Undersigned has, since his brief acknowledgement of the Commander Moreira's note, on the 25th. January last,<sup>5</sup> given to the despatch of His Excellency, the Brazilian Minister of Foreign Affairs, that consideration which the importance of its contents demanded.

His Excellency, in that despatch, informs Mr. Moreira of the apprehensions entertained by the Imperial Government that the stipulations contained in the fifth, sixth, and seventh articles of the Treaty between the United States and the Argentine Confederation on the 10<sup>th</sup> July 1853, "may prove detrimental to the rights which Brazil possesses as a sovereign nation"; and the conditions under which those rights and interests may be invaded, under these several articles, are fully set forth.

As these objections were based upon contingencies which might not occur, the President was unable to perceive that they were of sufficient force to justify any impediment to the ratification of the Treaty, by and with the

<sup>1</sup> See pt. iv, below, *passim*.

<sup>2</sup> Notes to Brazil, vol. 6.

<sup>3</sup> Below, pt. iv, doc. 676.

<sup>4</sup> Appended to and printed with the note of January 16, 1854, from the Brazilian minister to the Secretary of State. See below, pt. iv, doc. 659.

<sup>5</sup> Above, this part, doc. 487.

advice and consent of the Senate of the United States. Those measures having therefore been adopted, the ratification of the Treaty has been transmitted for exchange and it is expected that it will be speedily proclaimed as the law of the land.

It cannot, however, be perceived that the articles in question trench, even in the most limited degree, upon the rights or interests of Brazil. In fact, the Brazilian Minister of Foreign Affairs himself appears to regard the stipulations referred to as only *conditionally* objectionable. He says they "may prove detrimental". It is, certainly, not within the province of the undersigned to prescribe in anticipation of supposed events, what would be the course of this government, if any of these should take place, but he takes great pleasure in conveying to Mr. Moreira the assurance that this Government is not disposed to encourage or extenuate the slightest invasion of the rights or privileges of Brazil, and the Government of His Imperial Majesty may rest satisfied that should any difference arise as to the interpretation of the Treaty, the Government of the United States will be found claiming such a construction only, as may comport with the principles of justice, with the rules of public law, and with those interests of Brazil which as a nation in amity with her she shall feel bound to respect.

The Undersigned avails himself of the occasion [etc.].

## 490

*William L. Marcy, Secretary of State of the United States, to William Trousdale, United States Minister to Brazil*<sup>1</sup>

No. 20

WASHINGTON, April 26, 1855.

SIR: The memorandum accompanying your N<sup>o</sup> 32,<sup>2</sup> which contains a minute of your conference with the Emperor, has afforded great satisfaction to the Department. The freedom with which His Majesty, on that occasion, appears to have expressed himself in regard to the commercial relations of his Empire and the United States, and the fact,—to which you allude in the body of your despatch,—that a prominent and influential member of the Council of State is warmly in favor of establishing treaty relations with the United States; and, besides, the contingency to which you refer, that an entire change in the Ministry, and, consequently, in the foreign policy of the Government may be effected at an early day,—are all considerations to encourage the hope, that if Brazil is not actually prepared to enter upon negotiations, she is not, at least so prompt in rejecting all overtures upon this

<sup>1</sup> Instructions, Brazil, vol. 15.

<sup>2</sup> See below, pt. IV, doc. 683, and the memorandum enclosed with it, dated February 26, 1855, on which date, the conference occurred.

point, and may indeed be in a state of transition to the ultimate attainment of a liberal and enlightened policy.

Looking forward, therefore, to the possibility of a favorable response to your propositions for a Commercial Treaty, I transmit herewith a full power, which will enable you to take advantage of any auspicious moment for entering upon negotiations with His Majesty's Government.

I am, Sir, respectfully [etc.].

## 491

*William L. Marcy, Secretary of State of the United States, to Aguiar de Andrada, Brazilian Chargé d'Affaires ad interim at Washington*<sup>1</sup>

WASHINGTON, April 8, 1856.

The Undersigned, Secretary of State of the United States, has the honor to acknowledge the receipt of the note of the Chevalier Aguiar de Andrada, Chargé d'Affaires, ad interim, of His Majesty the Emperor of Brazil, of the 31<sup>st</sup> ultimo, stating, by order of the Imperial Government, that the Brazilian auxiliary division which had been stationed at Montevideo had marched therefrom on the 14th. of November, last, for the territory of the Empire.

The Undersigned is gratified to learn that, in consequence of the public tranquillity, this measure took place in advance of the period when the continuance of the troops at Montevideo was supposed to be necessary pursuant to the agreement to which Mr. Andrada refers.

The Undersigned [etc.].

## 492

*William L. Marcy, Secretary of State of the United States, to Aguiar de Andrada, Brazilian Chargé d'Affaires ad interim at Washington*<sup>2</sup>

WASHINGTON, April 30, 1856.

The Undersigned, Secretary of State of the United States, has the honor to acknowledge the receipt of the note of the Chevalier Aguiar de Andrada, Chargé d'Affaires ad interim of His Majesty the Emperor of Brazil, of the 1<sup>st</sup> ultimo,<sup>3</sup> transmitting, by order of his Government, a copy of the note addressed by the Imperial Secretary of State for Foreign Affairs to the Minister of Foreign Relations of Paraguay, on the 8th. July last,<sup>4</sup> wherein are set

<sup>1</sup> Notes to Brazil, vol. 6.

<sup>2</sup> Notes to Brazil, vol. 6.

<sup>3</sup> For the note of March 1, 1856, from the Brazilian chargé d'affaires, see, below, pt. iv, doc. 698.

<sup>4</sup> Below, pt. iv, doc. 698, immediately following the note of March 1, 1856, of which it is properly a part.

forth the bases of the right which the Government of Brazil maintains in the questions pending between the Empire and that Republic.

The Undersigned avails himself [etc.].

## 493

*William L. Marcy, Secretary of State of the United States, to William Trousdale,  
United States Minister to Brazil*<sup>1</sup>

No. 28

WASHINGTON, July 14, 1856.

[Same as No. 20 of this date to Minister Peden in Argentina.]<sup>1</sup>

## 494

*Lewis Cass, Secretary of State of the United States, to Richard K. Meade  
United States Minister to Brazil*<sup>2</sup>

No. 2

WASHINGTON, September 15, 1857.

SIR: You will receive, herewith, your letter of credence with the usual office copy, for the proper disposition of which you are referred to the printed personal instructions already communicated to you.

Mr. Trousdale has been apprized of your appointment, and according to an intimation already made to him, his letter of recall with the corresponding office copy is herewith committed to you for delivery to him.

You are referred to the archives of the Legation for such information as is necessary to place you in possession of the views of this Department in respect to the relations subsisting between the Government of the United States and that of Brazil. In reference to the navigation of the Amazon, which you will find prominently presented in the general instructions to your immediate predecessor, it is thought expedient to instruct you to defer the discussion of that subject, until after having become acquainted with the general views of the Brazilian administration in regard to it which you will communicate to the Department, in order that such special instructions as may be deemed advisable may be given.

The extent of the commerce between the United States and Brazil, is a matter of public notoriety. Official documents, to which you are referred,

<sup>1</sup> Above, vol. 1, pt. 1. This communication related to the Paris Declaration, regarding the rights of neutrals. The text is not copied in the appropriate volume of Instructions to Brazil, but, instead, there occurs the entry as above.

<sup>2</sup> Instructions, Brazil, vol. 15.

Richard K. Meade, of Virginia, to whom this instruction was addressed, was commissioned envoy extraordinary and minister plenipotentiary, on July 27, 1857. He appears to have held the post, continuously, until July 9, 1861, on which date he took leave; and, apparently, he did not return.

will furnish you with the particulars. The balance of the trade has long been heavily against this country. As this may in part result from natural causes, it may be impracticable to equalize it. There is reason to hope, however, that by the zealous and discreet employment of proper measures, the balance may be materially reduced. This is an object which the President ardently desires, and hopes that it may be accomplished during your mission. Owing to the comparatively easy circumstances of the great bulk of the people in this country, coffee, the staple of Brazil, which in Europe may be called a luxury the consumption of which is confined to the more opulent classes, is here considered a necessity even by the laboring poor. This may in part have led Congress to exempt the article from import duty, regardless of its origin. It is not to be supposed that the Brazilian government is unaware of the motives of this policy on our part. There is reason, however, to believe that it has hitherto assigned undue weight to them. This is shown by its persistence in levying the export duty on coffee and by charging heavy import duties on productions of the United States, especially flour, which is the most considerable of them. The latter, however, is perhaps more an article of luxury in Brazil than coffee is in Europe, as its consumption is understood to be restricted, to the inhabitants of the larger cities on the coast who are in comparatively easy circumstances.

What are the means by which the Brazilian government might be most likely induced to modify its financial policy to our advantage? It is understood that they have a settled repugnance to entering into new commercial treaties with any nation, and that this was naturally and perhaps justly occasioned by the embarrassments which were brought upon them by their former treaties with commercial States, and particularly Great Britain. The policy of admitting the productions of a foreign country upon terms specified in a treaty, is not favored in this country. Besides the inconvenience it might occasion if an exigency should render an increase of duty on an article desirable, the rate of which may have been fixed in the treaty, we have a clause in many of our treaties which would give other countries a right to claim the same terms for similar productions of theirs. This gives rise to further inconvenience if ultimately yielded and if denied or much delayed, leads to protracted controversies with those governments which more or less disturb our good understanding with them.

It may be taken for granted that the Brazilian government will not abolish or diminish the duties on the exportation of the productions of Brazil to the United States or on the importation of our productions, so long as they are confident in our forbearance by continuing to admit their coffee free of duty. To this forbearance, however, there must be a limit. Although in admitting coffee free, we have in part been actuated by the general demand for it in this country at the cheapest rate attainable, the Brazilian government must not suppose that this liberality, so far as it embraces the coffee of Brazil, has not

also been occasioned by a hope and even an expectation of measures of reciprocal liberality on their part, which if much longer delayed, may lead to a discriminating duty in this country against Brazilian coffee. This duty might at first slightly increase the cost of the article to the consumer, but he would probably be compensated by the stimulus which it would give to the production of coffee in other countries, and would be further reconciled to the measure, by the certainty that a perseverance in the policy would probably compel the Brazilian government to lower its duties on our productions and on the exportation of coffee. While we consume this and other productions of Brazil in a quantity and to a value vastly disproportionate to those in which she consumes the productions of the United States, she admits British manufactures at easy rates of duty while Great Britain consumes comparatively little of her productions, because these are of the same character as those from her colonies which she feels bound to protect. This discrimination is felt by us to be unjust on general grounds and its effect to be injurious, but when the different interests and the different course of this government in regard to labor in Brazil are taken into consideration we feel that we have a just right to complain.

The President, however, is of the opinion that the best means to bring about a change in the commercial policy of Brazil would in the first instance at least be by colloquial intercourse with the leading statesmen of that country. Official written memorials upon the subject might be considered improper, and should not be ventured upon without previously sounding the Minister for Foreign Affairs upon the subject.

There are a few unadjusted claims of our citizens against Brazil; but instructions have been sent to Mr. Trousdale the effect of which in regard to some of these sufficient time has not elapsed for him to communicate. These claims are believed by this Department to possess every element of justice which it will be a matter of sincere concern to this Government if that of Brazil shall have failed to recognize before your arrival at Rio de Janeiro.

I am, Sir, your obedient servant.

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*Lewis Cass, Secretary of State of the United States, to Richard K. Meade, United States Minister to Brazil*<sup>1</sup>

No. 9

WASHINGTON, September 1, 1858.

SIR: You are aware that serious differences exist between this government and that of Paraguay. From their origin and character and the remoteness of that country, there was reason to question whether it would be practicable

<sup>1</sup> Instructions, Brazil, vol. 15.

honorably and satisfactorily to adjust them, unless the President were authorized to use coercive measures to that end. He consequently applied to Congress for the necessary power, which has been granted. The commissioner to that country for whom provision has also been made by Congress, will soon proceed thither. In anticipation, however, of his arrival, and in view of the interest which his Majesty the Emperor of Brazil must take in the movements of this Government, involving the contingency of hostilities with one of his nearest neighbors, it is deemed desirable that you should explain in high quarters on proper occasions the purposes of your Government. You will give it to be distinctly understood that we have no disposition to oppress Paraguay but hope that the government of that country will give such a favorable consideration to our reasonable demands, that there will be no occasion to use the authority which has been conferred upon the President. We shall approach her with the most friendly disposition and shall not, without sufficient cause, abandon the hope that this will be reciprocated and that all matters in dispute will be amicably and satisfactorily adjusted. If, however, we shall ultimately be disappointed, we deem it due to our national character every where but especially in that interesting and important region, to be prepared vigorously to resent the injuries of which we complain, and the proper steps for this purpose will consequently be taken.

It may be suggested to you also, to make these views generally known among the representatives of other Governments at Rio de Janeiro, when proper opportunities are presented. The President desires that the public opinion of those countries which are in the neighborhood of Paraguay, should be, as far as possible, enlightened on this subject, and that the Paraguayan authorities should thus be led to a reasonable compliance with our demands. While he may be compelled, in justice to our national honor and the rights of our citizens, to employ against Paraguay the force placed at his disposal by Congress, and will certainly do this if it becomes necessary, he means that it shall appear nevertheless that coercive measures were not adopted, until all those of a pacific character had proved unavailing.

A copy of the Congressional document containing the printed correspondence relative to Paraguay is herewith communicated to you.

I am, Sir, your obedient servant.



## 496

*Lewis Cass, Secretary of State of the United States, to Richard K. Meade,  
United States Minister to Brazil*<sup>1</sup>

No. 10

WASHINGTON, June 25, 1859.

SIR: When our Commissioner to Paraguay, Mr. Bowlin, was at Asuncion, he was visited by Señor Amaral, the diplomatic representative of Brazil, who "offered with great courtesy and cordiality the mediation of his government" to secure the satisfactory adjustment of our difficulties with Paraguay without a resort to extreme measures.

Mr. Bowlin very properly declined to accept the proffered mediation but expressed not only his willingness, but his desire, that the good offices of Señor Amaral should be exerted in behalf of a peaceful settlement.

Since that result has been happily secured it is due to the Government of His Imperial Majesty that they should know how highly the Government of the United States appreciate and how cordially they esteem the disinterested and benevolent intentions of Brazil to promote a harmonious issue of pending differences.

Altho' the official mediation of other Powers was declined, the President ascribes the auspicious result of negotiations, in no small degree, to the zealous and enlightened efforts of the Brazilian representative in Paraguay, as well as those of the President of the Argentine Confederation.

You are directed therefore to communicate to the Government of His Imperial Majesty the high sense entertained by the President of their friendly disposition, as well as of the good offices of Señor Amaral in furthering their amicable objects.

I am, Sir, your obedient servant.

<sup>1</sup> Instructions, Brazil, vol. 15.

PART IV  
COMMUNICATIONS FROM BRAZIL

## COMMUNICATIONS FROM BRAZIL

497

*Ethan A. Brown, United States Chargé d'Affaires at Rio de Janeiro, to Martin Van Buren, Secretary of State of the United States*<sup>1</sup>

[EXTRACT]

No. 3

March 19, 1831.

SIR: . . . The Emperor returned on the eve of the 11<sup>th</sup> instant—His proclamation, at Ouro Preto, addressed to the Miners, had preceded him, two or three days; giving great dissatisfaction to the liberal party; which, as far as I can find out, comprehends much the greatest part of the Brazilians. The Emperor is thought to favor the Portuguese; who are partizans of a system of absolute monarchy; and whose demonstrations, in this city, of late, have indicated a disposition to carry things with a high hand. They have lately endeavoured to assume an imposing attitude; and, as I have been told, boast that they reckon thirty thousand of their number—possessing the great mass of the wealth—in this province. The late insults and assaults of which the Brazilians complain is attributed to them and to their instigation. This distinction of parties, with the Emperor's supposed attachment to the foreigners, is doubtless unfortunate for his majesty. . . .

I have the honor [etc.].

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*Ethan A. Brown, United States Chargé d'Affaires at Rio de Janeiro, to Martin Van Buren, Secretary of State of the United States*<sup>2</sup>

[EXTRACTS]

No. 4

RIO DE JANEIRO, April 7, 1831.

SIR: . . . The outrages, are attributed to the party that calls itself Brazilian: who, on their part, recriminate that the 'Portuguese' party first committed acts of hostility towards them, to provoke their resistance, and by hastening the crisis, to give a pretext to the Emperor for striking a coup d'Etat, to reduce them to submission, and establish a more unrestricted power in the Crown. Yesterday, it was known that the Emperor had again changed his Ministry. The change, on this occasion, was total. . . .

In the afternoon and evening there was a very large assemblage of people in the great square, Campo de St<sup>a</sup> Anna—latterly called Campo d'acclamação. This concourse must—have seemed the more formidable to the

<sup>1</sup> Despatches, Brazil, vol. 8.

The omitted portions tell, in detail, of internal Brazilian revolutionary threats.

<sup>2</sup> Despatches, Brazil, vol. 8.

The omitted portions tell of holiday celebrations, of threatened hostilities against the Emperor, and of cabinet changes.

Emperor and the Portuguese, as it shewed order and determination. They deputed a Magistrate, who is somewhat like one of our justices of the peace, to the Emperor, to request or demand (I am not certain which,) a restoration of the Ministry just displaced; and it was soon publicly known, that the whole of the troops had joined the Brazilian party; even those, on whose attachment to himself, the Emperor had most relied. I hear this morning that the guards at the Palace, marched off to the Campo, to join the popular side. At midnight, the British and French Admirals received a request from the Emperor to repair to the Palace; and set off in their boats, [the chargés of those nations received and complied with a similar request.] It is now understood, that at 3 o'clock this morning, the Em[peror] *abdicated*, in favor of his son, a boy about 4 years old [some say turned of 5.], and at 8 o'clock repaired, with the Empress and Donna Maria, on board of the British Admiral's Ship of the line, now lying in the harbor. Some individuals of the diplomatic corps are conversing about the course the body ought to adopt, and I am told this moment, by M<sup>r</sup> Gomez, that they propose assembling at the house of the Nuncio, to consult. I shall not attend, as it appears plain to me, that my duty requires me to keep quiet. Our countrymen are most respected of all the foreigners, by the now prevailing party, which entertains very hostile feelings towards the Portuguese; who have some cause for alarm; for their persons and property; but less on account of the appearance of regularity, that hitherto, since yesterday morning, distinguishes the people now assembled at the Campo; who have been on their posts all night; and a note from the city, this morning, represents them as mixed in the ranks with the soldiers, and exercising with them. My house is rather out of the City, strictly speaking, and a mile & a half, at least, from the place of the great concourse. I should be there to make my observations, in person, but that I can hardly do so incog: and conceive I do best for my country by staying away, and employing the time I can gain free of interruption, in giving you information. If I obtain any more details, in time to get them on board the *Augusta*, before her departure, I shall communicate them.

The City and Province of Rio de Janeiro, have been, for some time, the part of the Empire thought to contain more friends to Dom Pedro, and to a stronger, if not an absolute government [monarchy.] than any other part of Brazil. The northern provinces,—the country of the mines,—and of S<sup>t</sup> Paul's, are jealous of power in the Monarch. I mention the last with some emphasis, since, for education, manners, morals, and high minded patriotism, they are considered the pride of the Brazilian population. The great political object of the revolutionists seems to be to assimilate the government of this country, in every practicable particular, to our own,—to make States of the provinces, allowing them their own government and laws, and to form, of these, a confederation like ours. I am induced to think that a republic

is the favorite system of government, among the majority of the people of Brazil.

The proclamation of abdication, has been read to the Soldiers and the people, as M<sup>r</sup> Gomez tells me; and was received with acclamation—Vivas shouted for Pedro the second at the moment. All acclamation then ceased; but an extraordinary salute of cannon was heard from the Campo, about half past one. M<sup>r</sup> Gomez says, the Deputies now here, have formed themselves into a Junta, or committee extraordinary, and I presume the people look to their direction. Whatever temporary form of governments or whatever permanent, may be formed for this country, I am induced to believe that the sceptre of Brazil is no more to be swayed, unless nominally for a time, by a Prince of the House of Braganza.

I am able to inform you that the consultation at the Nuncio's resulted in the conclusion that the corps diplomatique should wait on the Ex Emperor in a body—and the reason assigned is to inquire of him, in person, whither [whether?] he has really abdicated. Notice of this was given me by the Dutch Chargé d'affaires. As this appeared to me a formality quite superfluous, for the ostensible object of acquiring that knowledge,—as I did not think the formality a proper measure, on any account, personal or political, they have gone on board the admiral [Augusta?] without me. The pretext not satisfying me, I suspect there is more in the step than is professed; and that these Representatives of Monarchs mean it, in fact, for a public and political demonstration.

The Columbian also staid away.

I have the honor to [etc.].

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*Ethan A. Brown, United States Chargé d'Affaires at Rio de Janeiro, to Edward Livingston, Secretary of State of the United States*<sup>1</sup>

[EXTRACTS]

No. 14

RIO DE JANEIRO, October 12, 1831.

Sir: . . . The next day after I received your dispatch,<sup>2</sup> I waited on the Minister of Foreign Affairs, and presented my new letter of Credence— I thought proper to add that I had the satisfaction of the President's approbation for pursuing the conduct I had observed on the 7<sup>th</sup> of April.<sup>3</sup> The Minister was evidently pleased, to receive the letter; which is the first personal recognition of the Government in the name of Dom Pedro II, that has been

<sup>1</sup> Despatches, Brazil, vol. 8.

The omitted portions discuss the formation of a constitution and its proposed similarities to that of the United States.

<sup>2</sup> Instruction No. 11, dated June 16, 1831, above, pt. III, doc. 453.

<sup>3</sup> See his despatch of that date, above, this part, doc. 497. Its receipt was acknowledged in the instruction of June 16, and his conduct commended.

received from a foreign state or power, except a compliment from the House to Senate. He expressed his gratification—replied in obliging terms to so much as related to myself, personally, and in particular reference to the 7<sup>th</sup> of April, observed by conduct was American. . . .

In the Legislature the institutions of the United States are generally quoted with approbation; and among the people the citizens of our country continue the decided favorites, I beg leave to refer you to the speech of M<sup>r</sup> May, in which he deduces the unfriendliness of the European Powers, from the note of the Apostolic and other Diplomates, on the 7<sup>th</sup> of April; and contrasts their behaviour with that of the *American* Ministers.— ‘Debate of the 10<sup>th</sup> of September, published in the *Correio da Camara dos Deputados*’; The people now contrast the *American* deportment with that of the British, in a manner very unfavorable to the latter; whose naval force, in this port, has lately given them great offence. You will find a correspondence, among the papers<sup>1</sup> transmitted, between the Minister of Foreign Affairs, and the British Chargé, concerning the affair alluded to, in which W. Aston attempts to put the Brazilians in the wrong. The common statement is more probable. The Brazilian public boat is an unwieldy vessel;—the Man of War’s boat very manageable, from its construction, and always manned by a competent number of expert oarsmen. I have no doubt the shock of contact could have been easily avoided, if the British had condescended, as any other people would have done, to yield a little space. It is said they attacked the other boatmen, in revenge, and beat them cruelly with their oars; on sight of which, the commander of the fort dispatched a boat and took the combattants into custody; handling the British pretty roughly. The armed launches, barges &c, of the British then made a menacing demonstration, as if intending a descent upon the city. The circumstance would have deserved less attention, but for the indignation it excited; and its having become the subject of an official correspondence. The British keep guns mounted on some of their boats, constantly; and I have ground for believing that they and the French have orders to watch over the safety of the young Imperial family. . . .

I have the honor [etc.].

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*Ethan A. Brown, United States Chargé d’Affaires at Rio de Janeiro, to Edward Livingston, Secretary of State of the United States*<sup>2</sup>

[EXTRACT]

No. 17

RIO DE JANEIRO, *November 14, 1831.*

SIR: I have the honor of enclosing to you a paper, handed to me by M<sup>r</sup> Wright, our Consul, relating to the seizure of three vessels, at the Falkland

<sup>1</sup> Not found with the despatch.

<sup>2</sup> Despatches, Brazil, vol. 8.

Islands, by the writer of the same; who, in some of the papers therein referred to, and which W. Wright will transmit to your Department, styles himself Military and Civil Governor of those Islands and the Adjacencies, under the authority of Buenos Ayres.<sup>1</sup> Among the papers shewn to me by M<sup>r</sup> Wright, there is one, printed, purporting to be a decree of that Government, for establishing its authority in those Islands &c; and carrying into effect the Regulations in regard to the fishery. To which is added the said Governor's proclamation, warning masters of vessels not to trespass.

This is the first, and the only information I have had of the aforesaid occupation and establishment at the Falkland Islands. You, Sir! will see what authenticity it has. It is certain, however, that this Lewis Vernet has seized these vessels, on accusation of having infringed these pretended Regulations. One vessel, it seems, escaped, and the other two are expected to take their trial at Buenos Ayres; to which place, I intend to write, by the first opportunity, for exact intelligence concerning the authority said to have been there given for occupying and governing the Islands; and concerning the Regulations referred to; as well as the commission of Vernet. In the mean time, I communicate the inclosed, in addition to what you will receive from M<sup>r</sup> Wright. . . .<sup>2</sup>

I have the honor [etc.].

<sup>1</sup> The paper referred to, which is undated, apparently a signed original, follows:

*To the American Consulate at Rio de Janeiro*

Having in the exercise of my public employment seized the Schooners Harriet Captain Davison of Stonington, the Breakwater Dan! Carew Master of Do. and the Superior Cap<sup>t</sup> Congar of New York for transgressing the laws of the Republic of Buenos Ayres, by Sealing among these Islands, and adjacencies, contrary to a timely warning that had been given them; The Superior obtained permission to go to the west coast of South America under bonds to return, the Breakwater escaped, her Mate having rose upon and subdued the guards, and the Harriet is about to be sent to Buenos Ayres to stand her trial. And several of the crews having obtained permissions from their captains to go home, many of them go passenger in the English Brig Elbe Cap<sup>t</sup> Burt for your place, whence they hope to get assistance from you to get home, and to state to you that I have every reason to believe that the crews of said vessels were ignorant of the prohibition, when they left America (the owners and masters of the vessel knew it well) is the object of addressing you privately these few lines, hoping that you may perhaps consider them entitled to your assistance.

I further take the liberty of requesting you to forward p<sup>r</sup> first good opportunity to the United States the enclosed letter; it is left open for you to read if you should wish to know a few particulars, (and request you will seal it).

The passports will shew you the persons alluded to, though several of them have stopped here, and their names remained in the passport.

I have the honor [etc.].

P. S.

I beg leave to repeat that my present communications are private. You will therefore please to consider this letter as a letter from one Merchant to another and consequently entirely confidential. As a Merchant or as a private individual I possess here landed property and privileges of the fisheries in benefit of the colony founded at my expence, and in my public character I have nothing of the kind.

Vernet.

<sup>2</sup> The omitted portions report that a bill to abolish the slave trade had passed the Senate. For many additional documents concerning the Falkland Islands, see vol. 1, relating to Argentina.

*Ethan A. Brown, United States Chargé d'Affaires at Rio de Janeiro, to Edward Livingston, Secretary of State of the United States*<sup>1</sup>

[EXTRACT]

No. 18

RIO DE JANEIRO, November 30, 1831.

SIR: . . . Among the newspapers forwarded, you may find some particulars of the insurrections at Para and at Maranhão; where the troops and populace, tho' in one place opposed to those in the other, were more successful than at Bahia; and have prescribed to the authorities of Government in each. My intelligence relative to those occurrences, amounts to no more than what is furnished by the news-papers.

João Baptista Gonçalves Campos, Vice President of Para (styled 'arcepresté'), had, it seems for some time, been obnoxious to a party in that city and province; and reports, sometime ago, represented the conduct of his partisans in different quarters, in an odious light; as attempting to increase their numbers, not by persuasion only, but by intimidation. Their opponents said they were dispersed in small bodies in various parts of the province; and accused them of some cruelties; and of abusing the name of liberty, for the purpose of oppression; but the distinctive objects of the party, which they charged the Vice President with leading, they did not then clearly explain.

The President, Visconde de Goianna, was appointed to that station by the present Brazilian Government. He was not kindly received, at least by the party that has lately prevailed; who appear to have considered him friendly to the Vice-President. This party is said to consist of Portuguese, and of those excited by persons of that nation,—they are, at least, so denounced in Para and Maranhão. The accounts published state that on the 7<sup>th</sup> of August, the several deputations of the people and of the troops presented concurrent requisitions to the President in Council, at an extraordinary session, exacting the arrest and banishment of the 'Arcipreste' above-mentioned, and of several others named in a list presented. The Speaker of the military deputation represented, in addition, that he had heard the commandants of the corps say, in presence of the Committee, that the President must resign; and that the troops required it. These demands were complied with.

These events in Para, if they did not cause, at least accelerated the insurrectionary movement in Maranhão. In the morning of the 13<sup>th</sup> of September, the troops, in arms, supported by some of the population, also armed, laid before the President and his council a representation requiring, 1, the expulsion of all Portuguese and of all adopted Brazilians from the military

<sup>1</sup> Despatches, Brazil, vol. 8.

The omitted portion relates to the law for the abolition of the slave trade.



posts of the 1, & 2, lines of the army, 2, that the functions of a considerably [*sic*] number of Magistrates (named) should be suspended, 3, that all adopted Brazilians, without exception, be expelled from civil employments in the revenue, and justice, 4, the banishment of sundry persons designated, among whom were seven monks of the convent of S. Antonio, 5, that the Government cause every Portuguese House to be searched, for arms; and the weapons found to be taken away, 6, that thereafter no 'sons of Portugal' be suffered to land in the Province; laborers (*industriosos*), and artisans (*artistas*) excepted, 7, that the meeting there assembled should never be held criminal; and protesting not to lay down their arms, till these articles, (which they considered to be called for by public opinion) should be complied with. A compliance was the consequence. . . .

I have the honor [etc.].

## 502

*Ethan A. Brown, United States Chargé d'Affaires at Rio de Janeiro, to Edward Livingston, Secretary of State of the United States*<sup>1</sup>

No. 21

RIO DE JANEIRO, January 17, 1832.

SIR: Since my last dispatch<sup>2</sup> was closed, a private letter, in which I place confidence, dated on the 25<sup>th</sup> of last month, has been received here from Buenos Ayres, of which I have the honor to transmit you the following extract.

The affair of the captures at the Falkland Islands, assumes a much more serious aspect here than we had supposed at Rio. I found Captain Duncan here, as also Governor Vernet, who arrived about the same time in the *Harriett*, one of the captured vessels. Capt. Duncan and M<sup>r</sup> Slacum were in quite a heated correspondence with the Government on this question,—the latter protesting formally against the seizures and against "any measure whatever on the part of this Gov<sup>t</sup> or those under its authority, having for object, or any tendency, to interrupt American vessels in the exercise of the right of fishing at those Islands or on the coast as far as Cape Horn"—the former demanding of the Government the *person* of the Governor, to be carried to the United States as a *pirate*, or to be tried by the laws of the country as such." "In regard to the *Protest*, the Government has refused to admit it—on the grounds, firstly, that W. S. is not, as a mere consul, authorised or qualified to make it in the name of his Government; his functions being of a different and a limited nature— Secondly, that the United States having no right themselves to the dominion of those islands cannot oppose the right to occupy them, in this Republic; and, this right admitted, with still less right can they dispute that of making the *fisheries* there a *property*." [Here follow some questions relative to any provisions or regulations of our Government for the guidance of consuls in such fortuitous circumstances, or rule in modern diplomacy applicable to such an emergency, in intergovernmental communication]

As to the view Capt. Duncan takes of the proceedings of Governor Vernet, when he stamps them in his own mind with the character of *piracy*— Not only does he deny the right of the Governor to interrupt, or of this Government to prohibit the seal fishing so long practised there by our citizens—but the anomalous proceedings of Vernet in taking property from the vessels, part of which he caused to be sold at public auction, and part he appropriated to his own use, as he did also the vessels, before adjudication by a proper tribunal—he looks upon as a most outrageous contempt and violation of right and law.

<sup>1</sup> Despatches, Brazil, vol. 8.

<sup>2</sup> Not included in the present publication.

To the first communication of the Consul, requiring of the Government a categorical answer to the question, whether it avowed or disavowed its sanction and protection to Vernet and his acts, only an evasive and temporising reply could be obtained, referring the affair to the tribunals—and Captain Duncan having demanded that the property, as well as the individuals dispossessed of it, should be placed in the condition in which it was prior to the captures; and receiving no answer from the Government, sailed hence on the 9<sup>th</sup> instant with the ostensible purpose of protecting our vessels against further captures at those Islands—tho' it is generally believed it is to make *recaptures*, and even *reprisals*. . . .

With very great respect [etc.].

## 503

*Ethan A. Brown, United States Chargé d'Affaires at Rio de Janeiro, to Edward Livingston, Secretary of State of the United States*<sup>1</sup>

[EXTRACT]

No. 24

RIO DE JANEIRO, March 27, 1832.

SIR: . . . The President will be informed in detail of Captain Duncan's expedition to the Malvinas, or Falkland Islands, and its attendant & consequent circumstances up to this time, by Reports of the Naval Officers to the Secretary of that department; and a history of what I know [of?] it, is not necessary for me to relate.

Commodore Rodgers has applied to me for advice in relation to the prisoners whom Captain Duncan brought off; and whose conduct he had considered piratical. Not supposing the matter to be strictly within my cognizance, I only ventured to give a private opinion on the first representation we had—that the proper destination of the prisoners was to the U. States. Subsequent advices communicated by Slacum to Captain Duncan impart that the Buenos Ayrean Government at length acknowledges Vernet as its political and military Governor of the Falkland Islands,—an avowal which they had evaded before the departure of the Lexington from Buenos Ayres. The communication states that the Government claims the men [were?] made prisoners by Captain Duncan. The Commodore resolves in consequence of the change which this intelligence seems to put on the face of the affair, to sail for the River La Plata tomorrow intending to give up the prisoners if M<sup>r</sup> Baylies should not be there, and claim the merit of the surrender, if he should find no reason to change his opinion after his arrival and communication with M<sup>r</sup> Slacum. I have told the Commodore that I think the prisoners will ultimately have to be given up,—that government having acknowledged Vernet's commission, and made itself responsible for his conduct under it; but as the disposal of these men may have some effect upon M<sup>r</sup> Baylies' mission, I thought it very desirable that he should arrive before their discharge,—That as for the rest, keeping the reception & negotiations of M<sup>r</sup> Baylies in view, and adopting such measures as should in his discretion appear favorable

<sup>1</sup> Despatches, Brazil, vol. 8.

to both, he would probably do well to discover if possible, from M<sup>r</sup> Slacum's experience and his own observation, what effect the liberation of the prisoners would be likely to produce,—whether it would smooth the way for M<sup>r</sup> Baylies, or swell their arrogance and persuade them that U. States consider their title good to the Malvinas? I further observed to the Commodore that these men in custody were of comparatively little importance since the escape of Vernet—not enough to stand in the way of accommodation: but the manner of the suspension of M<sup>r</sup> Slacum's consular functions would give him a good excuse for demurring to their immediate liberation, unless M<sup>r</sup> Slacum should be reinstated.

The Commodore will take his whole squadron to the River. I am anxious for M<sup>r</sup> Baylies' presence there; not that I distrust the Commodore's prudence, but because a diplomatic character seems necessary there at present.

I have the honor [etc.].

## 504

*Ethan A. Brown, United States Chargé d'Affaires at Rio de Janeiro, to Edward Livingston, Secretary of State of the United States*<sup>1</sup>

## [EXTRACTS]

No. 31

RIO DE JANEIRO, August 1, 1832.

SIR: . . . There are some who apprehend that Dn Pedro 1<sup>o</sup> may attempt to regain the Throne of Brazil. It does not seem to me at all probable, that he would undertake a scheme so desperate. He is however capable of conduct which the French would call 'très inconsequent,' I thus apprehend that provinces will fall off; and the Empire; if not dissolved, suffer a dismemberment of some parts. I conceive this, and a federation, to be more likely. As yet, I must suspend an opinion, and only mention others' surmises, of the future; one of which is, that the Regency will be reinstated, with increased power; albeit it is thought that a majority of the Senate is opposed to them;—some on political, and some on personal ground— Another is, that their resignation is a ruse, to strengthen the Executive—relying on their majority in the Chamber of Deputies. The crisis has not yet produced any popular tumult; the Juizes de Paz, however, ordered out the National Guard, by way of precaution.—The time seems pregnant with important consequences. I shall watch the movements; and keep you informed, by every opportunity, of the important occurrences that may come to my knowledge. . . .

I am also informed that the last letters received in this City from B<sup>r</sup> Ayres, state that several notes had been interchanged between M<sup>r</sup> Baylies

<sup>1</sup> Despatches, Brazil, vol. 9.

Omitted portions speak of the disorganization of the Brazilian executive, and report news of a revolution in Montevideo.

and the Government, in which the latter evade the principal subject; and strive to turn the discussion on minor objects; such as Vernet's conduct. It is also stated that the application of Mr. Baylies, to have M<sup>r</sup> Slacum restored to the exercise of his consular functions, had not been answered, at the date of the advice above mentioned. I have not received a line from M<sup>r</sup> Baylies since he left this port.

I have the honor [etc.].

## 505

*Ethan A. Brown, United States Chargé d'Affaires at Rio de Janeiro, to Edward Livingston, Secretary of State of the United States*<sup>1</sup>

[EXTRACT]

No. 42

RIO DE JANEIRO, *January 18, 1833.*

SIR: . . . I suspect that the Government is not without apprehensions of continued attempts by the partizans of a restoration, to keep the public mind uneasy; but I do not hear from any good authority, that those who wish for the late Emperor's reestablishment, (who are allowed to be more numerous in this than in any other province,) have yet shewn themselves formidable in numbers, talents, or influence. The Journalists on that side do not evince much ability, and are, almost exclusively confined to this City. Commodore Woolsey who arrived here on the 6<sup>th</sup> of this month, by way of Pernambuco and Bahia, tells me that the citizens of the former place are not free from fears of repeated hostilities and fresh commotions, in the province; but that no party appears for D. Pedro 1<sup>o</sup> in that quarter. The Commodore was informed that three parties divide Bahia; one for the actual Government,—one more republican, or federal, and one for restoration of D. Pedro 1<sup>o</sup>. I have no reason to doubt that the first is much strongest. . . .

I have the honor [etc.].

## 506

*Ethan A. Brown, United States Chargé d'Affaires at Rio de Janeiro, to Edward Livingston, Secretary of State of the United States*<sup>2</sup>

[EXTRACTS]

No. 46

RIO DE JANEIRO, *May 6, 1833.*

SIR: . . . Notwithstanding that the elections for the next assembly, whose first session will be in 1834, have generally resulted, so far as known, in favor of the administration, inquietude and alarm exist in several points of the Empire.

<sup>1</sup> Despatches, Brazil, vol. 9.

<sup>2</sup> Despatches, Brazil, vol. 9.

In some of the Northern provinces, particularly in Pernambuco and Ceará very serious disturbances, by all accounts, are apprehended. . . . Armed bands occupy some ports and places, where they defend themselves when attacked, and whence they sally to obtain provisions, and carry terror among the peaceably disposed. . . . Previous to the last fighting of which we have any relation, the insurgents being summoned to surrender, a correspondence took place, in which their commander, appealing to Christianity against shedding blood, avowed they were assembled in favor of D. Pedro 1<sup>o</sup>. He was attacked and his party dispersed, without much loss, on either side, I have not heard of any other collection of men in arms, proclaiming themselves for the late Emperor, since the surrender of Perito Madeira. . . .

I have the honor [etc.].

## 507

*Ethan A. Brown, United States Chargé d'Affaires at Rio de Janeiro, to Edward Livingston, Secretary of State of the United States*<sup>1</sup>

## [EXTRACT]

No. 47

RIO DE JANEIRO, June 7, 1833.

SIR: . . . M<sup>r</sup> Bond has, probably given you better information of the State of affairs on both sides of the River Plate, than any in my possession. That gentleman may have some knowledge whether there be any foundation for the notion that Lavalleja is countenanced by the Government of Buenos Ayres. I presume you were, long since, apprised that numbers of Lavalleja's partisans retreated, before Fructuoso, into the Brazilian Territory; which gave rise [to] a correspondence between the Oriental and Brazilian Authorities, on that frontier; which I had believed terminated in a good understanding. It has however been reported that Fructuoso, or his troops have trespassed upon the territory of the neighbouring province; and being straightened for means, have made free with some cattle. The Relatorio of the Minister of Foreign Affairs alludes, but not explicitly, to some difficulty in that quarter; and submits the subject to the Legislature. The Chamber of Deputies held a secret session, on the 1<sup>st</sup> instant, in which, I am assured, from pretty good authority, the subject was taken into consideration: but whether it determined on any thing, I have not learnt. It has been said, that among those in the Estado Oriental opposed to the present Government, there are some desirous of annexing that State to the Empire; and that they are favored by the President of Rio Grande. I have no certain Authority for expressing a conjecture upon this surmise,<sup>2</sup> NOR WHETHER THE REGENCY FAVOR SUCH NEWS, BUT PRESUME THEY WOULD LIKE THE ACCESSION—

<sup>1</sup> Despatches, Brazil, vol. 9.

<sup>2</sup> The portion of this document, printed in small capital letters, reached the Department in code.

The accounts that come in, of the last Election, continue to shew a great increase of strength in the next assembly to the present Majority in the Chamber of Deputies; and, of course, a proportion [al?] diminution of force, on the side of the opposition to the present Government. I have not heretofore seen cause to believe that the partisans of a restoration were either very numerous or influential.

The City and Province of Rio de Janeiro has always been admitted to—contain a much larger proportion of D. Pedro's adherents than any other part of the Empire; but at the last election, all the Deputies chosen for the Province are friends to the Government; altho' the majority in the City was opposed to the Election; and averse to the Administration. It may, moreover, be supposed that the persons, now in power, may not find favor with some, who are no friends to D. Pedro's return. Nevertheless, the Minister of Foreign Affairs, this very day, and since I commenced writing these sheets, has delivered the Message contained in the inclosed *Diario do Governo*; announcing the apprehension of the Regency, that the Restoration is projected. I forward the paper without comment; but shall not fail to advise you, by the earliest opportunities of what I may learn, of importance, concerning this matter. . . .

I have the honor [etc.].

P. S. June 8.

I have the honor to transmit the Copy, marked Q, of a Note dated yesterday, which I have just received from the Minister of For. Affairs,<sup>1</sup> inclosing a printed copy of the Message, concerning D. Pedro's apprehended return. Also of a notice (R) that Diplomatic correspondence with Moreira had ceased; and his *exequatur*, as Consul General of Dona Maria been annulled.<sup>2</sup>

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*Bento da Silva Lisboa,*<sup>3</sup> *Minister of Foreign Affairs of Brazil, to Ethan A. Brown, United States Chargé d'Affaires at Rio de Janeiro* <sup>4</sup>

RIO DE JANEIRO, *June 7, 1833.*

The undersigned (member) of the Council of His Imperial Majesty, Minister and Secretary of State for Foreign Affairs, makes haste to transmit to Mr. Ethan A. Brown, Chargé d'Affaires of the United States of America, the

<sup>1</sup> For this note of June 7, 1833, from the Foreign Minister, see below, this part, doc. 508.

<sup>2</sup> For this notice, which bore the same date as this postscript, June 8, 1833, see below, this part, doc. 509.

<sup>3</sup> In subsequent correspondence in this volume, Bento da Silva Lisboa bears the title of Barão de Cayrú.

<sup>4</sup> Despatches, Brazil, vol. 9, enclosed with Brown to the Secretary of State, No. 47, above, this part, doc. 507. The enclosed printed message has not been included in the present publication; it reported intimations received from the Brazilian diplomatic representatives in Europe that a project existed for the restoration of Pedro I.

enclosed copy of a message, which, by order of the Regency, in the name of the Emperor, he had the honor to present to-day to the Legislative Body, and hopes that Mr. Brown will not fail to inform his Government of the serious matter which forms the subject of the said message.

The undersigned believes that he would offend the susceptibility of the Government of the United States by dwelling upon his firm conviction that any attempts at Restoration, far from meeting with the slightest support on the part of the Washington Administration, would inevitably be repulsed with that firmness and effectiveness which is assured to the Imperial Government by the friendly relations which exist between the two nations and, in no less a degree, the well known good faith which characterizes the decisions of the enlightened Government of the United States, the perfect understanding shown, and the mutual interests of the two countries.

The undersigned, having thus complied with the orders which he received from the Regency in the name of the Emperor, avails himself [etc.].

## 509

*Bento da Silva Lisboa, Minister of Foreign Affairs of Brazil, to Ethan A. Brown, United States Chargé d'Affaires at Rio de Janeiro*<sup>1</sup>

RIO DE JANEIRO, June 8, 1833.

The undersigned (member) of the Council of His Imperial Majesty the Emperor, Minister and Secretary of State for Foreign Affairs, has the honor to inform Mr. Ethan A. Brown, Chargé d'Affaires of the United States of America, that the Regency, in the name of the said Sovereign, on account of very weighty reasons which had been submitted to him, has seen fit to order that all diplomatic correspondence with João Baptiste Moreira, who served in the capacity of Chargé d'Affaires of Her Most Faithful Majesty, the Queen Doña Maria the Second, shall cease, and that the exequatur which was granted him as Consul General shall be revoked.

The undersigned avails himself [etc.].

<sup>1</sup> Despatches, Brazil, vol. 9, enclosed with Brown to the Secretary of State, No. 47, above, this part, doc. 507.

*Ethan A. Brown, United States Chargé d'Affaires at Rio de Janeiro, to Edward Livingston, Secretary of State of the United States*<sup>1</sup>

[EXTRACT]

No. 49

RIO DE JANEIRO, *June 25, 1833.*

SIR: . . . The Legislature asked for the communications from abroad, on which the Regency had founded their apprehensions of the return of the late Emperor. Their contents have not been made public. A committee of the Senate, of which the Visconde de Cayru, father of the Minister of Foreign Affairs was a member, has treated the apprehension as vain; and tho' professing great loyalty to D. Pedro II. do not recommend placing extraordinary means at the disposal of the Executives. The Chamber of Deputies have held some secret sessions, on the subject; I hear of nothing important transpiring from their conclave.

In my first interview with the Minister of Foreign Affairs, after he had delivered the Message, I surmised from his expressions that he entertained no conviction of a plan having been actually decided on, for replacing D. Pedro on the throne. On the 20<sup>th</sup> I saw him again, when he talked pretty freely of the Ex-Emperor, his partizans, and those ambitious individuals who only wished to discredit the present administration, and profit by its embarrassment; and hinted a suspicion that the departure of Antonio Carlos de Andrada, a few weeks since, for Europe, might have some connexion with the plot. He read a passage from a British periodical, giving a biographical sketch of S [D?]. Pedro, very unfavorable to the subject of it; and remarked, it was evidently written by a Miguelist, but true in every important particular. He then took up a sheet of debates in 1831, and read part of a speech of Martin Francisco de Andrada's about a Luso—Hespano plot of certain conspirators, to place D. Pedro on the throne of United Spain and Portugal, and reconquer America,—the orator countenancing the idea, that, mad as the project might be, D. Pedro was *blockhead* enough to be led into it.

The Minister ascribed his fears of an attempt at restoration to the character of D. Pedro, and of those men of disappointed ambition, despearate fortunes, and in needy circumstances, who surround and have influence over him,—to the tone of the opposition papers, and the behavior of disappointed and discontented persons here, with whom D. Pedro keeps up a correspondence, and in whom he places a mistaken confidence. Concluding, from the information received, the known influence of flatterers, and the folly of D. Pedro, whose instability of character made him capable of being led into strange acts by them, his return, in order to obtain power in Brazil, was one of those fortuities too probable for precaution to be dispensed with. The Minister further observed that the facility with which he had been drawn by

<sup>1</sup> Despatches, Brazil, vol. 9.



the Portuguese Emigrants, into so wild a project as the conquest of Portugal with his means, against the wishes of the people, nobility, and Clergy was a proof of want of judgment, in his ambition. To my inquiry respecting the pecuniary means for the first movements in such an expedition? he replied by saying he should not be surprised if he found some money for the object in Portugal: where ignorance and superstition were still so prevalent that, astonishing as it might be to strangers, numbers still firmly expected the return of Dom Sebastian. The Minister remarked that the Message must draw from the Ex-Emperor an avowing or disclaiming Manifesto.

I have the honor [etc.].

## 511

*Ethan A. Brown, United States Chargé d'Affaires at Rio de Janeiro, to Edward Livingston, Secretary of State of the United States*<sup>1</sup>

[EXTRACT]

No. 50

RIO DE JANEIRO, *July 13, 1833.*

SIR: . . . You will find, Sir, in the *Aurora*, of the 21 of last month, the substance of the Report on the Message, by the Committee of the Senate. On the question whether they should agree to the same, the Senate was said to be equally divided; and a reconsideration was expected. I have not heard that the subject has been resumed by them. Padre Feijo, whose seat among them they refused, on the ground of irregularity in the election, has been again returned; and has passed from the other House to the 'Camara Vitalicia'; where his vote with [will?] give a preponderance, in favor of the Administration, upon a new trial. The State of the votes in the Chamber of Deputies, published in *Correio* of yesterday shews the majority the Administration has there, on this subject; yet it may be more a proof of the strength of parties, there, and of the intentions of the Majority to discourage the friends of the Ex-Monarch; and other discontented ambitious individuals, (who are, of course, bitterly opposed to the present Executive,) from keeping up a troublesome excitement respecting his return, than evidence that all this majority are convinced of a plan of restoration having been decided on: altho' they may believe it has been agitated; and that D. Pedro is capable of undertaking it, if he had means to commence the Enterprize.

Altho', Sir! it may be more my business to communicate to you facts than my opinions, or rather my conjectures, I presume upon your indulgence in expressing my belief that the Regents and Ministers have inferred, from what has been communicated from Europe, and, from occurrences and publications, in Brazil, particularly in Rio de Janeiro, that the hope of the restoration has been seriously indulged, and the question really discussed by the partisans of D. Pedro, here and there, and correspondence, in relation

<sup>1</sup> Despatches, Brazil, vol. 9.

to it, carried on across the Atlantic; but I am not altogether prepared to reject the opinion entertained by some who would view the restoration as a great evil, that the Government's objects were not limited to measures of prevention in that respect; but that the Message was meant as a stroke of policy, to increase its Executive power, and confirm its influence. Events must shew whether the step were wise or injudicious, which, at present seems rather doubtful.

All that I know of the April events at Pará is contained in the papers now forwarded; and that information is all from one side. The sum of it is, that when the approach of Mariani and Vasconcellos, to take the Presidency and the Military command, was announced, the Portuguese party, and others involved in what is called the sedition of August—extremely hostile to the dominant party, and to the President Machado, and the Military commandant Seara, and probably hoping to ingratiate themselves with the new appointed authorities, and gain an ascendancy by attracting favor to their party, made such a shew of rejoicing at the intelligence that the President and Commandant were to be superseded, as to excite in their adversaries a suspicion of intelligence between the new nominees and the obnoxious party; which was confirmed by the latter taking arms,—fortifying themselves in certain houses and sending an address to Mariani and Vasconcellos, when they arrived; defying their opponents.

In consequence of these demonstrations, Machado and Seara, (whether with their connivance or not seems uncertain,) were called upon to retain their places; and bloody hostilities commenced, disastrous to the Portuguese party; fifty of whom were killed. Machado and Seara yielded to the wish of the people, and Mariani and Vasconcellos, who had not landed, departed. The place is said to have been quiet afterwards. No remarks of mine will be necessary to assist your conclusions concerning the power and influence of the Government, in the Province, nor respecting the disposition of the dominant party to manage their political affairs in their own way or follow the lead of Chiefs of their own approbation. There is no indication that the party, at present prevailing at Pará, including the Federal Society that figures in these papers, is friendly to the late Emperor. The presumption is quite the reverse; the Portuguese being, most generally, attached to him, and averse to free Government.

Nothing definitive has been done towards curing the vice of the currency. It is probable that wise measures for this,—for establishing public credit, and for reforming the Judiciary, would give the Regency greater power to resist a restoration, and prevent commotion and anarchy, than the proposed addition to the Military and Naval force; the expense of which, in their present state, they can but ill bear, during the actual condition of the Brazilian finances.

I have the honor [etc.].

## 512

*Ethan A. Brown, United States Chargé d'Affaires at Rio de Janeiro, to Louis McLane, Secretary of State of the United States*<sup>1</sup>

[EXTRACT]

No. 54

RIO DE JANEIRO, *September 28, 1833.*

SIR: . . . In the newspapers forwarded three days ago, and in those transmitted by this opportunity, will be found an account of an alarm caused by a report that the Government was about to remove the young Emperor & his sisters, in a man of war from this City, (where his father's friends are most numerous,) to the Province of St Paul. From what I can learn, I conclude that the ground of the alarm, which indeed appears to have been but partial, was intirely factitious. The Tutor, José Bonifacio de Andrada, like his brothers, is known not to be on good terms with the Government; but whether conniving with the agitators, or imposed on by them, I cannot yet venture to decide. He says he had credible information that a couple of political clubs had plotted to get possession of his Wards. His brother Antonio Carlos, went to Europe, some months since, suspected of intention to use his influence in persuading the Ex-Emperor to re-appear in Brazil, either to reclaim the Crown or to protect his son. The Government treats all the pretexts that tended to disturb the peace on the night of the 21<sup>st</sup> as ridiculous; and has suspended five Justices of the Peace, at once, for their conduct on the occasion. It does not appear to me improbable that some persons hoped to produce commotion in the City, of which they might give their own coloring to D. Pedro in Portugal, by some vessels about to depart for that Country. . . .

I have the honor [etc.].

## 513

*Ethan A. Brown, United States Chargé d'Affaires at Rio de Janeiro, to Louis McLane, Secretary of State of the United States*<sup>2</sup>

[EXTRACT]

No. 56

RIO DE JANEIRO, *November 5, 1833.*

SIR: . . . I have no very recent information of renewed alarms in the Northern Provinces, from the disorderly parties that have infested some parts of them, Official reports, in general mention peace and order in various parts of the Empire, and numerous addresses to the Government express a determination to oppose the restoration of the Ex-Emperor, whose defensive posture, by the last accounts, raises doubts whether he can maintain his occupation of Lisbon: and causes some anxious speculation, among those to whom he is odious, about the manner in which he will dispose of himself and

<sup>1</sup> Despatches, Brazil, vol. 9.

<sup>2</sup> Despatches, Brazil, vol. 9.

his mercenaries, if driven from Portugal. There is no information received here of his having seen the Message of the Regency, respecting his intention to meddle again with the Government of Brazil. The English and French papers comment on that document, and on the arrival of Antonio Carlos d'Andrada in Europe. I suspect the Administration not [to?] be quite easy yet, about Dom Pedro's ulterior designs. I called, a few evenings since in a sociable way, upon Sn<sup>r</sup> Lisboa, when the conversation turned upon our retiring from our present stations, after some compliments of course, reciprocated, he proceeded to intimate that the withdrawing of the United States' Chargé, leaving the mission vacant, might have an inauspicious influence upon Brazilian politics,—the Government having to meet the opposition of the restoration party, and others. I remarked in reply, that perhaps the President would have received my request, by this time; and if he should permit me to leave my place, I had no reason to suppose he would suffer it to be long vacant; or omit to name a new Chargé d'Affaires to the Senate, during the approaching Session of Congress.

I have the honor [etc.].

## 514

*Ethan A. Brown, United States Chargé d'Affaires at Rio de Janeiro, to Louis McLane, Secretary of State of the United States*<sup>1</sup>

[EXTRACT]

No. 57

RIO DE JANEIRO, December 13, 1833.

SIR: The Military Society, against which the populace seemed so highly incensed, is principally composed of Military Officers, whose situation, as such, was not bettered by the revolution of the 7<sup>th</sup> of April,—of whom the greater part have been deprived of command and full pay, by the reduction of the Army. One pretext for the association is said to have been a provident measure for relief of numbers in distress; but it is not doubted that this was merely ostensible, nor that the main object was political. It is believed that an understanding existed between them and Antonio Carlos d'Andrada, whose visit to Europe is generally thought to have been undertaken with a view of persuading D. Pedro to revisit this country. The Society does not appear to have much influence.

Report speaks of some fermentation still working in the Province of Minas; but the opposition to Government does not appear to be at all formidable. The people have been much irritated by the discharge of the leaders in the sedition at Ouro Preto, upon Habeas Corpus. . . .

I have the honor [etc.].

<sup>1</sup> Despatches, Brazil, vol. 9.

## 515

*Bento da Silva Lisboa, Minister of Foreign Affairs of Brazil, to Ethan A. Brown, United States Chargé d'Affaires at Rio de Janeiro*<sup>1</sup>

RIO DE JANEIRO, December 16, 1833.

The undersigned (member) of the Council of His Majesty the Emperor, Minister and Secretary of State for Foreign Affairs, in compliance with the orders which he received from the Regency in the name of that august Sovereign, has the honor to transmit to Mr. Ethan A. Brown, Chargé d'Affaires of the United States of America, a copy of the proclamation which the said Regency addressed to the Brazilian nation, setting forth the weighty reasons, which forced the Government to suspend the guardian of His Imperial Majesty and his august sisters and to appoint in his place the Marquis of Itanham, until the General Legislative Assembly makes a decision to the contrary.

This appointment of the Regency, which went to a distinguished Brazilian of recognized loyalty to monarchical-constitutional principles, who has, moreover, very worthily discharged the high duties of guardianship of His Imperial Majesty and of his august sisters, furnishes a convincing proof that the sole object of the Imperial Government, in the step which it has just taken, was to provide for the good of the nation, by protecting from injury the throne of the young Brazilian monarch, the firmest support of the greatness and prosperity of the Empire.

The undersigned renews [etc.].

## 516

*Ethan A. Brown, United States Chargé d'Affaires at Rio de Janeiro, to Bento da Silva Lisboa, Minister of Foreign Affairs of Brazil*<sup>2</sup>

RIO DE JANEIRO, December 16, 1833.

I have the honor to acknowledge the receipt of the Note of this date, addressed to me by the M. Ex. Sn<sup>r</sup> Bento da Silva Lisboa, of the Council of H. M. the Emperor, Minister and Secretary of State for Foreign Affairs, inclosing a Proclamation of the Regency in the Name of the Emperor, acquainting the Brazilian Nation with the detection of a conspiracy against the Authorities and constitution of the Empire, and with the suspension of the Tutor, Doctor José Bonifacio de Andrada e Silva, and the nomination of the Marquis of Itanhaham [*sic*] as his substitute, near the persons of His Imperial Majesty, and his August Sisters.

<sup>1</sup> Despatches, Brazil, vol. 9, enclosed with Brown to the Secretary of State, No. 58, below, this part, doc. 517.

<sup>2</sup> Despatches, Brazil, vol. 9, enclosed with Brown to the Secretary of State, No. 58, below, this part, doc. 517. The proclamation, whose contents are here set forth, has not been included in this publication.

The events announced cannot fail to be deeply interesting to the friends of Brazilian Independence, Liberty & Prosperity; and to those who feel a concern for the proper Education of the Imperial Family,—H. Excy may be assured that no nation sympathises more strongly with Brazil, than the United States, in whatever may relate to the enjoyment of the blessings mentioned. This sentiment is but natural.

The Sn<sup>r</sup> Minister of Foreign Affairs well knows, that the Government of the United States considers the internal politics of other Nations, as their own exclusive affair. Whatever may be my own sentiments or opinions relative to political dissensions that may agitate the Empire to whose Government I am accredited, my wish is to make my expressions, in regard to them, conform with the principles exposed in an extract from the Message of the President of the United States, which I had the honor to communicate to H. Excy in my Note of the 10<sup>th</sup> of last June.<sup>1</sup>

On this, as on former occasions, I request [etc.].

## 517

*Ethan A. Brown, United States Chargé d'Affaires at Rio de Janeiro, to Louis McLane, Secretary of State of the United States*<sup>2</sup>

## [EXTRACT]

No. 58

RIO DE JANEIRO, *December 17, 1833.*

SIR: My dispatch N<sup>o</sup> 57,<sup>3</sup> which I had prepared to send by the Falmouth, goes by this conveyance.—Captain Gregory prevented my sending it to his ship, by insisting on calling, or sending an Officer, for it; which he failed to do.

The inclosed proclamation appeared on Sunday, the 15<sup>th</sup> instant—the day on which the Falmouth departed; and was formally communicated to me yesterday by a Note from the Minister.<sup>4</sup> It seemed to me necessary I should return some answer; but to frame that answer so as not evince indifference to the notification, and, at the same time, to avoid masking, by my expressions, a predilection for one of the contending parties, (as my instructions prescribe) was a little difficult for me,—accustomed to treat these people very frankly and plainly. The answer, good or bad, has been sent, and I must submit to the judgment of the President and yourself, Sir! whether it be sufficiently *diplomatical*!

I called yesterday, in hopes that the Sn<sup>r</sup> Lisboa would be so communicative as to impart some particulars of the pretended discoveries; but he was

<sup>1</sup> Not included in the present publication.

<sup>2</sup> Despatches, Brazil, vol. 9.

<sup>3</sup> Above, this part, doc. 514.

<sup>4</sup> Above, this part, doc. 515. The proclamation is not included in the present publication since its character is sufficiently revealed in the note and in the despatch.

engaged in conference at the Palace. The Commander Marquez Lisboa (Official Maior) told me the Minister had been roused on Saturday night by a summons to consultation on the circumstances just brought to the knowledge of the Government; and that the rest of the night and Sunday had been employed in taking measures for the occasion. I made some further inquiries yesterday, but learnt no more, in addition, than that 15,000 cartridges had been found in the house of one, and 5,000 in that of another of the Officers, members of that Military Society mentioned in my N<sup>o</sup> 57,<sup>1</sup>—and a rumor, for which the authority may be questionable, that the conspirators had intended to put arms into the hands of five hundred blacks, of the Nation called *Minas*, perhaps the most robust, active, and resolute, of the African race. Occupation at home,—making Copies, and preparing this Communication, in time, have hindered me from prosecuting my inquiries to day: so that the foregoing, and the contents of the inclosed paper give all the light that I can, at this moment, throw on the immediate discoveries that have caused these movements of the administration, which I believe has been long disposed to remove José Bonifacio from the Tutorship. . . .

With very great respect [etc.].

## 518

*Ethan A. Brown, United States Chargé d'Affaires at Rio de Janeiro, to Louis McLane, Secretary of State of the United States*<sup>2</sup>

[EXTRACT]

No. 59

RIO DE JANEIRO, *January 18, 1834.*

SIR: . . . Sn<sup>r</sup> Barrozo is arrived here, and has been received as Consul General and Chargé d'Affaires of Donna Maria. I am compelled to defer any reflexions on the subject, and an anecdote I have just heard of her father, (marking a littleness in his avarice,) till another occasion. It seems Dom Pedro wrote to his son by Barrozo, exclaiming in indignant terms against those who *dared* to give out that he wished to become monarch of Brazil by dethroning its present Emperor.

I have the honor [etc.].

<sup>1</sup> Above, this part, doc. 514.

<sup>2</sup> Despatches, Brazil, vol. 9.

*Ethan A. Brown, United States Chargé d'Affaires at Rio de Janeiro, to Louis McLane, Secretary of State of the United States*<sup>1</sup>

[EXTRACT]

No. 60

RIO DE JANEIRO, February 28, 1834.

SIR: The return of M<sup>r</sup> Roberts to the U. States affords me an opportunity of transmitting this dispatch. Nothing very important, in the way of politics, has occurred here since the 18<sup>th</sup> of January, (the date of my last, N<sup>o</sup> 59):<sup>2</sup>—but the state of the cases of the Schooners *Frances & Adams*, may give this communication some interest.

I abstain from the reflexions which I proposed to have the honor of imparting, upon the arrival of S<sup>r</sup> Barrozo, and his reception in the double capacity of Consul General and Chargé des affaires of Dona Maria, in order to give place to the remarks of the Minister Lisboa, when adverting to the circumstance, in the course of a free conversation.

The Minister, having mentioned the recognition of D. Miguel by the United States inquired if I knew the position and circumstances in which M<sup>r</sup> Brent finds himself placed, by the events in Portugal? Upon my answer that I had no information on the subject, he took a view of the state of that Country, and of the contending parties,—of Dom Miguel sustained by the great body of the people, and in possession of all the kingdom, but Lisbon and Oporto, with, perhaps, a few other unimportant points, and in menacing attitude; and of Dom Pedro confined to places actually occupied by his foreign troops, by whom he was, almost exclusively, supported; the great Powers of Europe being divided, in their preference of the conflicting parties.

Upon my remarking that the recognition of D. Miguel by the U. States was but a pursuance of a system long since adopted upon great and mature deliberation, he seemed to assent to its intire correctness; and, quite plainly, intimated his opinion that the Brazilian Government had been precipitate in its conduct towards the rival claimants of the Crown of Portugal, that there had been no necessity for its throwing the weight of its favor into the scale of either; and that the succession was, politically speaking, a matter of as much indifference to Brazil as to the United States, or any Nation on this side of the Atlantic; but having countenanced the pretensions of D. Pedro in the name of his daughter, it had not left itself perfectly free, like us, to choose the principle of acknowledging the Government *defacto*, which incurs no unpleasant involvement nor consequences, should that Government become dispossessed of power. Such was the substance of the Minister's remarks; whence I drew the conclusion, that if it were a case of the first impression, the Imperial Government would keep aloof, and wait the issue of the Portuguese Conflict.

<sup>1</sup> Despatches, Brazil, vol. 9.

<sup>2</sup> Above, this part, doc. 518.



The Minister who was in a communicative mood, and who usually talks to me on political subjects as to a friend of Brazil, proceeded to observe upon the folly, inconsiderateness and want of combination, and systematic policy that has marked the course of D. Pedro—the ignorance, incapacity, selfishness, and intriguing spirit and habits of those who, flatterers and favorites here, surround him at Lisbon, and have his ear, in preference to abler men: from which he drew an unfavorable presage of the Ex-Emperor's fate; unless the intervention, direct or indirect, of France and England should change the face of affairs.

The anecdote of the avarice of D. Pedro, to which I alluded at the close of my last dispatch,—communicated to me by S<sup>r</sup> Lisboa in the same conversation, amounts to this. The Ex-Emperor has sent for the carriages he left behind, which have served his children since his departure, leaving his son to furnish this part of his equipage for himself; but a meaner act is his claim to the personal property possessed in her life time, by his daughter Paula, who died a little more than a twelvemonth since, and his order that her jewels be sent to him. It might surprise those unacquainted with his character that he should think of depriving the two remaining little girls of the ornaments that had belonged to their deceased little sister.

Since the close of the last General Assembly, the Administration has undertaken to banish some persons, (Portuguese,) two of whom were embarked, not many days since, as perturbators, and conspirators against the Government. Debts are said to be due in this city to one of them, amounting to one thousand Contos. He was formerly accused, at which time, some of his debtors were supposed to be his denouncers. It is not unlikely that such may be the case at present. The penalty is not confined to political offences. A young Portuguese has been sent off, for family causes. This arbitrary mode of deportation shews, rather too much, the working of the old leaven of despotic notions. Its advocates assign, among other reasons, a want of confidence in the Judiciary. The reputation of the Judges is very bad, in general, and some of them are believed to be bitterly opposed to the Regency, and to sigh for the restoration of the abdicated Emperor.

You are aware, Sir! of the party denominated 'Portuguese'. A great Majority of the natives of Portugal, resident in Brazil, seem to be of that way of thinking. Men, for the most part, known in Europe by the distinction of the lower order, illiterate and ignorant, who migrated with all the slavish veneration for Royalty that pervades that in the Country of their birth, and have imbibed few liberal notions in America; who made themselves odious to the Brazilian party by their devotion to the late Emperor, in his unpopular course, and deplore his privation of the Crown and sceptre. Following the dictates of their political heresy, they have severely felt the effects of popular indignation in some instances, as at Pernambuco and Pará. Industrious and frugal, (qualities for which the natives of this country are

not eminent,) many of them have grown rich, from the lowest beginnings, without becoming enlightened in proportion.

Independent of the legality, the measure of removing the obnoxious Portuguese from the country is of doubtful policy. For if, on the one hand, the dread of exile restrain their activity in politics, on the other it imparts a feeling of insecurity for their persons and property: and as they are, collectively, much the richest class of the population, a great deal of Capital is withheld from investments, that might be of great utility to the nation. It has been reported that the individual above mentioned was given to understand that his exile was to be but temporary. If this be true, the Government would seem to have in view the double object of keeping the Portuguese quiet, and of satisfying the public of its vigilance and energy.

I have the honor [etc.].

P. S. The award for the Frances is signed.

## 520

*William Hunter, United States Chargé d'Affaires at Rio de Janeiro, to John Forsyth, Secretary of State of the United States*<sup>1</sup>

[EXTRACTS]

No. 17

RIO DE JANEIRO, *March 28, 1835.*

SIR: . . . The church, which in catholic countries we are accustomed to regard as the most efficient instrument of good or harm, is apparently powerless. It is sustained neither by the love of the people, nor by the aid of the government. Its clergy are divided among themselves, and though daily exhibited as the pageants of the most insipid superstitions, are many of them dissolute in their lives, and some are even said to be propagators of the most infidel opinions.

This state of things foreshows future and distressful conflict; but in no possible event does it mean a restoration to Portugal or the influence of its politics; for even the tory party here have no hankering after the Mother country, but on the contrary are proud and boastful of their independence. It would perhaps be better for the country if it were not so entirely relieved from the dread of foreign aggression. The pressure of a common danger would make it the better to cohere as one people. . . .

In the mean while, with renewed assurances of high respect, [etc.].

<sup>1</sup> Despatches, Brazil, vol. 10.

## 521

*William Hunter, United States Chargé d'Affaires at Rio de Janeiro, to John Forsyth, Secretary of State of the United States*<sup>1</sup>

No. 19

RIO DE JANEIRO, April 28, 1835.

SIR: I think it not improbable that you have heretofore received or may receive by this opportunity from some other hand the papers which accompany this despatch. They relate to a new state of things in Buenos Ayres which has created perhaps an *undue* impression, at any rate it has occasioned a sensation in the diplomatic circle here, which tho the matter relates to a concern beyond my jurisdiction I think it my duty to notice.<sup>2</sup> England has certainly been attempting *new* negotiations both with Monte Video and Buenos Ayres, as to the first, it is understood she has been foiled, and delayed as to the other, we are diplomatically unrepresented in either of these Governments, and what the attempt of England may be as to commercial preferences vieling [veiling?] as she does all her movements under the philanthopy [*sic*] of the suppression of the slave trade I do not know; but—these papers appear to be such as my government ought to be authentically informed of. I therefore forward them without any further comment.

This note is written since closing my accompanying despatch N<sup>o</sup> 18.<sup>3</sup> and I have been principally induced to write it by remarks that dropt in conversation this evening in a mixt brazilian and diplomatic party.

With great respect your obedient faithful servant.

## 522

*William Hunter, United States Chargé d'Affaires at Rio de Janeiro, to John Forsyth, Secretary of State of the United States*<sup>4</sup>

[EXTRACTS]

No. 27

RIO DE JANEIRO, October 12, 1835.

SIR: . . . I found myself compelled to stop this communication here from the fear of conjecturing too much. . . .

<sup>1</sup> Despatches, Brazil, vol. 10.

<sup>2</sup> The papers enclosed with this despatch consist of (1) translations of two addresses by President Rosas of Argentina, dated April 13, 1835, justifying his assumption of dictatorial powers following the discovery of an attempt to assassinate him, (2) a communication addressed to him on the same date in the name of the Diplomatic Corps, the British minister acting as spokesman, congratulating him and expressing pleasure at the change, and (3) Rosas's response, also of the same date, to the Diplomatic Corps. A translation of a pertinent newspaper article in a Buenos Aires paper of April 14, 1835, and a biographical sketch of Rosas were also included. These papers were not included in this publication.

<sup>3</sup> Not copied since it contains nothing pertinent to the present publication.

<sup>4</sup> Despatches, Brazil, vol. 10.

The body of the despatch, all of which is omitted, and most of the omitted portions of the very long postscript added three weeks later, discuss recent governmental changes, especially the beginning of Feijo's regency.

So far as respects our own interests and concerns generally, I see no reason to apprehend prejudice as existing in the minds of the Regent, of Lisboa, or of the Marquis of Barbacena—Foreign Affairs have been placed here from the beginning in an awkward position—1<sup>st</sup> from the previous connexion with, and after hostility to Portugal—2<sup>d</sup> From the influence of England, in several instances arrogantly exhibited—3<sup>d</sup> from the blandishments of France to the Constitutional Representative Hereditary Family Monarch—4<sup>th</sup> From the surveillance of Austria as guardian of the grand-children of the late Emperor Francis—5<sup>th</sup> From the hopes and fears of the Pope as legal head of the church—6<sup>th</sup> From the neighbourhood of some of the Spanish Republics—vaulting as they do alternately from the despotism of a mob to that of a single military chief, with designs it is said, mutually entertained of founding a large oriental federal Republic, including several provinces of Brazil. 7<sup>th</sup> From the steady pursuit of its unpretending system by the government of the U. States asking no favors, having nothing to claim but justice for *individual* citizens, and a fair observance of the stipulations of the Treaty of December 1828—and of the general Law of Nations. . . .

There is one subject to which I ought perhaps to have adverted in some earlier communication—as it is a topic in my additional instructions—I allude to the expression of the good wishes of the U. States respecting the acknowledgement by Spain of the Independence of her former colonies—I at first cautiously, and by degrees openly, offered opinions and arguments on this subject in the diplomatic and political circles—But I found it a supererogatory business—I spoke to minds already convinced—The views of the United States are those in sincerity of every diplomatic and political character here—and our conduct in this matter is generally approved as consistent, and as being at once lofty and discreet.—. . . In the mean while with apologies for the length of this communication, I remain Sir [etc.].

## 523

*William Hunter, United States Chargé d'Affaires at Rio de Janeiro, to John Forsyth, Secretary of State of the United States*<sup>1</sup>

## [EXTRACTS]

No. 35

RIO DE JANEIRO, June 4, 1836.

SIR: . . . You will herewith receive N<sup>o</sup> 2.—a printed copy of the treaty<sup>2</sup> of commerce and navigation of this Empire and Portugal. This is an highly interesting document, and will I presume command from you a scrupulous

<sup>1</sup> Despatches, Brazil, vol. 10.

<sup>2</sup> It is filed with the despatch but is not included in this publication. For a comment, by the Secretary of State, upon its provision granting special commercial favors, which is pertinent to the present publication, see above, pt. III, doc. 458.

examination. The negotiation was long pending, and was subjected to many doubts and difficulties. I possessed the accidental means of knowing a good deal in regard to its progress and result. An early attempt was made by the French Minister to awaken jealousy and to procure in some sort an interference.

I saw however no direct infringement of our national rights, and to express an opinion in any form of official protest merely on a general topic of policy seemed to me an unfit and indecorous interference

By a general topic of policy I refer to the peculiar mutual favours sanctioned by the treaty—certainly establishing preferences over other Nations, and thus impairing the principle of a perfect national equality. This course is in general an unadvisable policy for any Nation, but its right to take this course and to consult its own views of self interest are undeniable. To declaim on these truisms—and to undertake to be a self constituted guardian of brazilian and portuguese interests, seemed to me as hazarding something unwarranted and intrusive. As a question of right our interference was precluded by the exception stipulated by the 2<sup>d</sup> Article of our Treaty with Brazil. This exception is in the english and every other treaty. It was in fact the policy of England to secure this favour for her then faithful and humble Ally. See art. 20<sup>th</sup> of the Treaty of G. Britain and Brazil.

The real favour granted to Portugal is a diminution of one third of the duties upon imports—see Article 11<sup>th</sup>—of the treaty now transmitted. . . .

Hoping to receive speedily your further communications, I remain [etc.].

## 524

*William Hunter, United States Chargé d'Affaires at Rio de Janeiro, to John Forsyth, Secretary of State of the United States*<sup>1</sup>

[EXTRACTS]

No. 50

RIO DE JANEIRO, *January 31, 1837.*

SIR: . . . It is not irrelative to the navy, and somewhat in a corresponding strain of reflection, that I proceed to state an event, as a diplomatic one, somewhat singular, and not without its bearings on our present estimation with this Government—and what that estimation may become if not hazarded by our neglect, irritability, our submission or indulgence. A note was received from the Secretary of Foreign Affairs dated 5<sup>th</sup> Janu'y, inviting me to a conference on the 7<sup>th</sup> at 12 o'clk. . . . It appeared that the civil war of Rio Grande do Sul was the object of the conference. This war as you well

<sup>1</sup> Despatches, Brazil, vol. 10.

In the omitted portion of the document, Hunter commented upon what he considered the irregular conduct of the Brazilian official in inviting, also, to the conference, the British and French ministers, none of the three knowing that anyone of the others was invited.

know has been chequered by victories & defeats, but was supposed to have been finished in favor of the Government, by the defeat & imprisonment of its leader Bento Gonsalves—But Eduardo, the next in command, with about 1200 troops retreated into the interior of the country, entrenched himself at a place called Pilota, and summoning the adjoining population of all colours, with the due forms of resolutions proclamations &c. issued a declaration of independence of, and seperation from the Empire of Brazil, and set forth a scheme of constitution and government. He thus figures as the founder of a new Republic—This event so far as I could observe had made but little impression on the public mind, and was deemed one of those ebullitions of military popular frenzy which would soon subside. From the locality however of the pretended new Republic, its relative proximity to the states of Buenos Ayres & Monte Video, and a distrust of the perfect neutrality of those States, though they had been early and reiterative in their professions of it—this government suffered itself to be alarmed, or to feign alarm, and with an air more of bustle than of business, decreed that something “must be done”. . . .

. . . Forseeing, as I thought that these measures could have reference to nothing else but an unwarrantable extension of the right of search, & an assertion of blockade without regard to adequacy of force or notice, I inquired of the Secretary whether his object was not to obtain our previous assent to the right of visit by Brazilian armed ships of the vessels of our respective countries as well as to egress & ingress—He confessed it was. . . .

. . . Upon the motives therefore as avowed & assigned, I declared I could perceive no necessity for any step to be taken by any foreign power; and in regard to any concession as to the right of search, it was entirely beyond the sphere of my authority—uncontemplated by my instructions—and inconsistent with my duty: and it would betray a shameful forgetfulness of the history & policy of my own country, not to be aware of its reluctance to the extension of this right beyond the universally admitted principles of the law of nations—We had refused it on a memorable occasion, to a power of the highest respectability who urged the concession by a reference to her own example, and enforced it by all the arguments with which philanthropy could invest eloquence. After some pause it came across my mind that there must be at bottom some better reason than those ostensibly assigned, for the course which the Brazilian Government meditated—It struck me that the true motives of this proceeding were a fear of the two Governments of Buenos Ayres and Monte Video, unsettled & revolutionary as they are, and oscillating from the extreme of tumultuous democracy to that of military despotism—*This* government seems to have no confidence in their good faith, and it is suspected that the scheme of a great Empire, or of a confederated or consolidated republic to consist teretorially of a considerable portion of Brazil, and the other two states, has been for some years the object of the

secret hope and intrigues of some of the discontented and ambitious of all these countries—

The navy of Brazil is too feeble and too much occupied especially with the yet unsubdued rebellion of Para to be able to impress these states by any efficient demonstration. To produce an effect by foreign aid with a show in their favor of the principal commercial nations would be useful and important—In this strain of thought, and hinting *delicately* at these topics, I ventured to suggest a substitute for the Secretary's proposal. That it should be the understanding of the commercial and naval powers with this Imperial Government, and with each other, that in addition to their usual instructions to ships of war, as to the visiting, assisting &c. the merchant ships of their respective countries, another should be added viz. that they should be cautioned against supplying any persons acting in hostile opposition to the legitimate government of the Empire, and especially the Republic of Piratinim with any munitions of war &c. and likewise cautioning them not to receive on board, or be the bearers of any commission for any Privateer &c. from any asserted republic or government in Brazil acting against the legal, Imperial authority thereof &c. &c. And that the Brazilian Government might do this as to their own vessels, & if they thought fit to those of Buenos Ayres & Monte Video—We then could do service to a friend without imposing upon our respective naval officers any other than their ordinary duty, that of visiting merchant ships at sea for the purpose of affording information & protection, and we should hazard no principle of indiscreet concession. . .

I remain [etc.].

## 525

*William Hunter, United States Chargé d'Affaires at Rio de Janeiro, to John Forsyth, Secretary of State of the United States*<sup>1</sup>

[EXTRACT]

No. 51

RIO DE JANEIRO, *February 10, 1837.*

SIR: . . .<sup>2</sup> I have lately yielded to a persuasion that we can, and ought to become towards this country—not by any Formality of Alliance, but by a diplomatic understanding, a *tutelary* friend, a promoter of its stand as a respectable American power, and that we may now safely though with becoming caution, open a little more largely *our* views—encourage a more definite independence of Europe, and permit a hope of our collateral not belligerent aid, in case of difficulties. We have perhaps committed a mistake in placing Brazil on the same platform with other American powers—The immense extent of her territories, which though occasionally disturbed, our

<sup>1</sup> Despatches, Brazil, vol. 11.

<sup>2</sup> The omitted portion tells of contemplated efforts to obtain for the United States advantages equal to those granted to Portugal in the treaty with that power.

admonitions might influence to confirmed reunion—her feelings of rising superiority to Portugal, and by consequence a diminishing dependence on England—These considerations, and many others combined with our neighbourhood, our increasing mutual commerce—our early favor bestowed—our forbearance continued, might influence Brazil to a sense of her true interest, and embolden us to an exposition of it. The time for doing this is at hand—A reelection of Regent will come round in little more than two years—The Emperor will not be always a child—and we I hope enjoy now a moment of comparative political tranquility, enabling us to look with prospective care, to *all* our foreign relations—and to enforce all our claims to respect from abroad, with reference to the resulting good—at home.

With true respect and regard [etc.].

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*William Hunter, United States Chargé d'Affaires at Rio de Janeiro, to John Forsyth, Secretary of State of the United States*<sup>1</sup>

[EXTRACTS]

No. 53

RIO DE JANEIRO, *March 23, 1837.*

SIR: The concerns of this part of the Globe are assuming a more troubled aspect; and there is some apprehension that Brazil whose commotions at home are not yet quieted may be drawn into new embarrassments by pressure from abroad.

You have of course better information than I can give of the state of affairs both in Chili and Peru. These two States present the predicament of open and declared war without having as yet (it is believed) engaged in actual hostilities.

Buenos Ayres—that is the Argentine Republic has likewise in a language that threatens and anticipates extremities, prohibited intercourse with Peru; and Monte Video or the selfstyled Oriental Republic of Uruguay is convulsed by a new internal disturbance, and its diplomatic language towards *this* country is that of reckless and haughty defiance. . . .

I should enlarge more on those subjects to which I have paid a close attention, but unfortunately the immediate concerns of my own Legation are enough for my immediate care and solicitude.

Independently of the vexation occasioned by the evasion of promises in regard to the great object of my efforts and ambition—the settlement of our old prize claims, and a satisfactory indemnity to those of our citizens who have so long been flattered and disappointed;—the state of affairs in Rio Grande gives occasion for almost daily disquiet, and obliges me to be on the

<sup>1</sup> Despatches, Brazil, vol. 11.



alert not only for the prevention of individual suffering, but of national dishonor.—<sup>1</sup> . . .

In the hope that my next communication may be of a more agreeable tenor, I remain [etc.].

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*William Hunter, United States Chargé d'Affaires at Rio de Janeiro, to John Forsyth, Secretary of State of the United States* <sup>2</sup>

[EXTRACTS]

No. 57

RIO DE JANEIRO, July 29, 1837.

SIR: . . . I transmit besides the Journals of this place another copy of the Argentine declaration of War. This Republic has appointed a Minister Plenipotentiary & Envoy Extraordinary (*Alwear*) to the United States, and likewise one to *this* Court. Monte Video has appointed a Charge d'Affaires for this place, both of these countries have *territorial*, beside orther questions to settle with Brazil, and with each orther. The Missions to this Court have been *recommended by England*. The Mission to the United States from Buenos Ayres is doubtless for the purpose of reviving the old affair of the Falkland Islands,—Vernets claims—our Captains alledged offences, &<sup>3</sup> and I hope the debts of that Government to our citizens. . . .

. . . We must not form our estimate of this Country from the illuminated pictures of our early commissioners, and we must place no dependance on the morality or patriotism of Rosas, whose *instruments* of government at home are the priest, and the Musket, and whose concessions abroad must be paid for—in money,—apparently for orthers, but assuredly for himself. I present this Sketch traced from the much stronger portraiture of orthers—especially that of the British Ministers.<sup>3</sup> In connection with this subject one case that of the Parthean has come under my notice. The Cap<sup>t</sup> Adams was obliged to leave Monte Video without his papers, being pursued by Vernet for sealing on *one of his* Islands. The almost identical scene was renewed in Silas Burroughs case (which I perceive is published) except that the last is part and parcel of the old affair. . . .

In the mean while [etc.].

<sup>1</sup> The omitted portions deal with claims and with difficulties experienced by United States citizens in the province of Rio Grande do Sul. <sup>2</sup> Despatches, Brazil, vol. 11.

<sup>3</sup> The words "the British Minister" reached the Department in code.

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*William Hunter, United States Chargé d'Affaires at Rio de Janeiro, to John Forsyth, Secretary of State of the United States*<sup>1</sup>

[EXTRACTS]

No. 58 Confidential

RIO DE JANEIRO, *August 29, 1837.*

SIR: . . . The English annoy this country as they do every other, with applications as to Slavery—or if you please the slave trade. M<sup>r</sup> Fox crowned his labors here by the negotiation of a Treaty enforcing the british scheme of settling the indicia of *guilt*—by certain facts, such as an over-quantity of water or rice, over largeness, of cauldrons—peculiar construction of Bulkhead &c &c. Whatever the appearances may be, the *truth* is, that this over and constant pressure upon a matter, in regard to which the brazilian Government were always indifferent or insincere, and which it begins to suspect is used more as a method of intervention in domestic affairs and a control over them, not only as to the direct, but as to collateral objects, has sickened and disgusted them. This show of philanthropy by every minister in England whether whig or tory or half radical, at the expense of the foreign slave holder, (and his case is here not separated in heart from the slave importer) is suspected to be intended only for popular effect at *home*; or if more is meant, it is construed to be some deep and covert intent against brazilian agricultural and commercial interests in furtherance of their own. Hoping soon to impart to you the auspicious result of my endeavors I in the mean while remain [etc.].

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*William Hunter, United States Chargé d'Affaires at Rio de Janeiro, to John Forsyth, Secretary of State of the United States*<sup>2</sup>

[EXTRACTS]

No. 60

RIO DE JANEIRO, *September 25, 1837.*

SIR:<sup>3</sup> . . . I likewise transmit a London pamphlet relative to the concerns of the Rio Doce Company replete with statistical facts or conjectures, and as I should think peculiarly interesting to our friends of the South West, generally illustrative of the *colonial* regard of Great Britain towards this country. . . .

But I am straying from my permitted path; and this communication must end with the assurance of the high regard and respect of your obedient faithful servant.

<sup>1</sup> Despatches, Brazil, vol. 11.<sup>2</sup> Despatches, Brazil, vol. 11.<sup>3</sup> The omitted portions tell of the resignation of the regent, and of the change of ministry.

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*William Hunter, United States Chargé d'Affaires at Rio de Janeiro, to John Forsyth, Secretary of State of the United States*<sup>1</sup>

No. 64

RIO DE JANEIRO, November 18, 1837.

SIR: The Brig Garafilia that takes this letter presents according to appearances the only opportunity for the United States for months to come. I deem it my duty therefore to give you *now*, information of an event that has occurred here, altho all its details are not yet fully known and of course its consequences can hardly be conjectured. A sudden insurrection broke out at Bahia on the 7<sup>th</sup> of this month. Its apparently exciting cause was discontent at the embarkation of troops for Rio Grande. It is headed by Sabino an apothecary, but is supported by all the soldiery. It began by the desertion of forty artillerists who were soon joined by the national guard and the troops of the line. The President of the province and the Commander in chief fled and took refuge on board a Brazilian man of war. The insurgents or whatever they may be called avow their design to be, a separation from the central Government and the erection of a Republic. They had taken possession of the Government Palace and were proceeding to elect a President. Numerous candidates were nominated and dissension and confusion prevailed. Thus far the published account. We are waiting with anxiety for more particulars. The Government here are getting ready a force to proceed to Bahia, but of its hopes, apprehension or even opinions I am ignorant. There seems to be an unusual degree of caution, silence and secrecy and I have been baffled in all my attempts to procure information more ample than I have presented. Guesses as to the ultimate result would be idle. Altho it is difficult to presume success to an undertaking, unsupported by internal pecuniary resources, or external aid or alliance. Not a drop of blood has as yet been shed. Undoubtedly there are some real causes of complaint in most of the provinces. The system of taxation is a vitious one and leads to inevitable disproportion. There is a jealousy of Rio de Janeiro. The clamor of the provincials is our money is spent there. The prerogative of appointing the President of the Provinces by the Imperial Central Government tho' undoubtedly intended by the constitution as a source of influence and a bond of union, in practice counterworks its own design. As to the establishment of a true republic in this country it is an event of which the most truly republican despair. General Education & freedom in religious discussion must first prevail.

<sup>1</sup> Despatches, Brazil, vol. 11.

*William Hunter, United States Chargé d'Affaires at Rio de Janeiro, to John Forsyth, Secretary of State of the United States*<sup>1</sup>

[EXTRACTS]

No. 66

RIO DE JANEIRO, *December 16, 1837.*

SIR: . . . Our noble ship the *Independence* entered this port in the afternoon of the 12<sup>th</sup> she arrived at Pernambuco from Madeiro on the<sup>2</sup> and hearing of the disturbances at Bahia immediately proceeded there. Nothing decisive has taken place. The insurgents with a force of about *six*<sup>3</sup> hundred men hold the city, the country population are unfavorable to the revolution, and supply the Government with its principal force. The city is besieged on the country side and an attack is meditated when sufficient means are collected. The insurgents have not only possessed themselves of all the money in the provincial treasury, but have reissued an immense amount of copper coin that had been called in to be cut or *punched*. They have seized not only all the public arms, but also large importations belonging to English houses, for which however they have paid or offered payment.

On the *sea* side the Government will have to encounter great difficulties. An attack to be *successful* must be a rapid skillfully conducted movement of a large force. The batteries that guard the immediate entrances are formidable and well placed, and even if the lower town should be gained, the upper is protected by a strong fort commanding the only accessible avenues of attack. There has been no suggestion of a blockade.

As to the political or ethical grounds of this revolution, I am unable to add anything to the slight suggestions of my N° 64.<sup>4</sup> I have seen no state papers of the new Republic appealing to the opinions of its own community, or foreign nations; disclosing acts of oppression that justified resistance and sanctioned bloodshed. . . .

It is in vain to disguise these facts—viz that the majority of the people are attached to Monarchy, and the Monarch, to an established religion; to titles, stars, orders &c &c.

It is the *independence* of this country as an *american* power *we* ought to cherish; and to ensure *that*, its internal peace, undisturbed by political convulsion is necessary. Whenever this great mass of empire breaks up, european protection will be proffered or sought, and that protection whatever may be its form, will be in a commercial sense *colonial*—An impairing of the equality of trade, a qualified exclusion of other nations, and a monopoly more or less severe would be the certain consequences—

. . . So far as I can observe the great body of this population respect

<sup>1</sup> Despatches, Brazil, vol. II.

<sup>2</sup> Here a blank was left in the despatch as if for the later insertion of a date.

<sup>3</sup> A footnote reads "one account says 2600."

<sup>4</sup> Above, this part, dated November 18, 1837.

monarchy not only as a political form, but as a religion. I therefore am hopeless for this and many other reasons of the establishment of a Republic, and if the will of the people is honestly against it, it is antirepublican to wish it. I dwell a little more on this subject with the view of giving it a practical direction because it may be proper to suggest, that warm hearted *young men* of our country, navy officers and others, upon their arrival here seem to think it their duty and *mine*, to be upon the side of every revolt, that invokes the name of liberty, and it is in some degree difficult to explain to them that my duties and instructions, and as I believe theirs, bind us in a foreign country, to be cautious in interference with its political concerns either in *deed* or *word*. There is another reason for our forbearance from all political agitation here, inasmuch as all the *seperatists*, nullifiers and revolutionists refer to our history without understanding it, and base themselves on principles alleged to be ours, which as they interpret them, we have ever repudiated and repelled. This leads to a suspicion by the loyal Brazilians of our countrymen. They think we *interfere* at least by our wishes and opinions. In one or two instances formerly our consuls may have been indiscreet. In the recent discussions at Bahia our country, its system, and institutions have been refered to, by the republican party so called as models for imitation; by the loyalists for the purpose of exhibiting the comparative superiority of their own system and institutions. In all such discussions we are mistakenly praised and blamed. But there is one controlling reason why we should cautiously abstain in this country above all others from lending the smallest breath of encouragement to insurrection. The physical force of the country is out of all proportion black or coloured, no insurrection can be of long continuance without ending in a servile war. This is the last tragedy, with its unities of time and place, (the *place* american ground, the time that of heated discussion on this fatal topic in our own country) that we ought to be willing to have *exhibited*—On this subject there will be for us no european sympathy nor among Brazilians any preventive wisdom or enduring energy. The catastrophe I *dread* is that Brazil may become a black military despotism. But I will not dwell longer on a subject so disastrous, the thoughts I have hazarded were *irrepressible*, and point to the palpable conclusion that our interests, commercial, political or domestic lead us to foster, the repose,—the political harmony—and the general prosperity of the *entire* brazilian empire— . . .

With the hope that my next communication may announce a successful progress in our affairs I remain Sir [etc.].

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*William Hunter, United States Chargé d'Affaires at Rio de Janeiro, to John Forsyth, Secretary of State of the United States*<sup>1</sup>

[EXTRACTS]

No. 67

RIO DE JANEIRO, *January 16, 1838.*

SIR: . . . I understand that Monteiro undertakes too much, and that his industry and ambition have lately been exclusively directed to a discussion with the French Minister in relation to an antient and obscure *theme of controversy*, the boundaries of french Guiana—France still retains her admiration for ships colonies, and commerce, and she is contending for an enlargement of her territory on the northern boundary of this Empire which will give her an extensive command of coast bays and rivers. It is not as I believe our policy to extend or fortify the european colonial policy. France exhibits herself to this country in all her strenght [*sic*] and splendor—Her legation is uncommonly large, swelled with secretaries attaches &c—her stationed force of ships of war exceeds that of any other power, and the entrance of occasional ships is frequent. There is an evident increased attention to Naval affairs—the new ships are said to be models of beauty and strength—France means by *system* and *science* to reach an equality of naval power with England and to be prepared against the United States and the world— . . .

Brazilian affairs at this moment do not present a prosperous aspect—Bento *Gonçalves* is elected President at Pirinatim. I saw him here a *prisoner* he effected his escape and *portends* trouble. He has character talents & influence and it is said has the control of *funds*. You are not therefore to deem the affair of Rio Grande as settled—There has been a slight insurrection at the mines—but it was speedily suppressed. . . .

With an intention of speedily again addressing you I remain [etc.].

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*William Hunter, United States Chargé d'Affaires at Rio de Janeiro, to John Forsyth, Secretary of State of the United States*<sup>2</sup>

[EXTRACTS]

No. 72

RIO DE JANEIRO, *March 28, 1838.*

SIR: . . . I soon shall address you again; A mass of consular, Custom House and other concerns have accumulated. In the mean while I remain [etc.]:

P. S. March 30<sup>th</sup> I have this moment received a note from M<sup>r</sup> Slacum saying that he has just received a letter from an officer on board the U. S.

<sup>1</sup> Despatches, Brazil, vol. 11.

<sup>2</sup> Despatches, Brazil, vol. 11.

Ship Lexington announcing the *death* of our Chargé M<sup>r</sup> *Thornton*—The British Corvette Rover Captain Eden arrived from the Pacific this day. I have letters from M<sup>r</sup> Pollard dated the 30<sup>th</sup> Jan<sup>y</sup>—The result of the intelligence seems to be that the Chilians are not united in opinion as to the war with Peru and move in it with little spirit—while on the other hand the Peruvians are united and devoted to Santa Cruz & his measures. . . .

P. S. April 2<sup>d</sup> Intelligence has just reached here of a complete victory by the outside or loyal party over the insurgents of the City of Bahia, all the forts and the city have surrendered, and the legal President will in a few days exercise his usual civil functions, delayed as it seems, because it is convenient to continue for some little time longer the terrors of martial law.

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*William Hunter, United States Chargé d'Affaires at Rio de Janeiro, to John Forsyth, Secretary of State of the United States*<sup>1</sup>

[EXTRACTS]

No. 73

RIO DE JANEIRO, *April 16, 1838.*

SIR: . . . I have before intimated to you the difficulties that had arisen between France and the Argentine Republic. They are the result of an attempt to enforce military service upon French residents. This was strenuously resisted by the french consul, and obstinately persisted in by the *Dictator*. The discussion went thro' all the stages of Note replication, crimination and recrimination, imputation of insult, demand of satisfaction &c ending in the french consul demanding or being offered his passports and departing from the country. The course of the Consul has been sustained by his Government, and Admiral Le Blanc with the whole french squadron proceeded to Buenos Ayres renewed the demand for satisfaction, and upon renewed refusal did on the 28<sup>th</sup> of March formally announce the vigorous Blockade of the Port of Buenos Ayres, *and the whole extent of the shore of the River belonging to the Argentine Republic*—Declaring in his Manifesto that the blockade would be carried into strict execution, and be continued as long as the grievances that occasioned it remained unredressed. Ships persisting to enter the blockaded Ports after notification of the blockade by a french ship of war, would be proceeded against by every measure of rigor authorized by the law of nations; But to mitigate as far as possible the inconveniences to which foreign commerce might be subjected by a measure solely directed against the Government of Buenos Ayres—Vessels anchored in the *Port* or exterior harbors will be permitted the free right of egress until the 10<sup>th</sup> of May next, at which period the prohibition becomes general and will extend

<sup>1</sup> Despatches, Brazil, vol. II.

equally to vessels sailing from, or entering into, the blockaded Port or places—

The blockading force is composed of one large frigate, two corvettes, two Brigs and three small vessels, these last purchased by Admiral Le Blanc at Monte-Video and armed by guns moving on a pivot—

Thus you perceive that as to its formality and fair attention to theoretic principle this ordinance of blockade is meant to be unexceptionable—But I am apprehensive we may have difficulty on one point. For Buenos Ayres only the blockading force would be deemed adequate, altho the frigate cannot approach within eighty miles of it, but when you compare this force to the *sum* of its duty, the blockade of the whole extent of the shore of the River belonging to the Argentine Republic, it may be perhaps fairly questionable whether the force can be deemed adequate—

My experience in the brazilian blockade cases assures me of the intelligence and enterprise of our countrymen, and their habitual use of the distant points of the Rio Salado &c. &c. —I close this affair of Buenos Ayres without any remarks on what may be the ultimate designs of France, influenced and developed as they may be by events in this part of the globe. I have hinted at something in previous communications. But it is comfortable to assure you, that, according to my information our countrymen have not been molested on this question of military service. This happens I beleive (partly at least) from an adroit diplomatic stroke on the part of our former minister at Buenos Ayres—M<sup>r</sup> Forbes. During the pendency of a similar question in his time—and after a Treaty with Great Britain, he was assured in conference with the minister of foreign affairs, that we were to be placed on the footing of the most favoured Nations, the conversation had of course reference to the then recent treaty with Great Britain. M<sup>r</sup> Forbes repeated in a note forthwith the substance of the conversation, and called on the Secretary to confirm the accuracy of his statement—it was confirmed, and as the british by the *then* Treaty, and that subsequent, have been exempted from all military requisition, so have our countrymen, The ground of the Buenos Ayrean controversy with the *French* is, that they have no treaty, no diplomatic stipulation, nor anything tantamount to it; placing them on the foot of Great Britain—and therefore the law of the land enforcing military enlistment upon *residents* of so *many* years, must be dutifully and *municipally* enforced— . . .

The Falkland Islands is a name to us I am afraid of rather ill omen—By a copy of the paper now transmitted N<sup>o</sup> 1,<sup>1</sup> it appears that Great Britain

<sup>1</sup> This interesting paper follows:

*Lieutenant Robert Lomay to the Master of the U. S. Barque Hesper*

H. B. M. Ketch Sparrow AT NEW ISLAND, W. FALKLAND,

December 19, 1837.

SIR: Her Britannic Majesty's Government deeming it proper to assert in the strongest manner the Sovereign right of her Britannic Majesty to the Falkland Islands; and every



asserts her right and jurisdiction to the utmost extent. The matter however is so entirely out of my jurisdiction that I apologize for transmitting this paper, and indeed my apology for referring to the affairs of Buenos Ayres at all, is my ignorance of our *present consular arrangement* there, and the fear that however regular this may be, the blockade may obstruct *early communication*. I will venture however to remark that I am apprehensive that M<sup>r</sup> Baylies' great argument enforcing the claims of Great Britain to the ownership and occupation of these Islands, and therefore disproving that of Buenos Ayres may be resorted to on the part of England in case of any difficulty with us, with a pompous shew of triumph—The plan of that argument was I believe what was in the olden time permitted, in the english action of ejectment—viz—the proof of an outstanding term in a third party, as a bar to the *Plifs* recovery.

Perhaps the real question in regard to this abandoned and desolate spot, was whether all the world had not a right to continue the fishery to which it had been accustomed from time immemorial. So much for extraneous concerns. . . .

With great regard and respect [etc.].

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*William Hunter, United States Chargé d'Affaires at Rio de Janeiro, to John Forsyth, Secretary of State of the United States*<sup>1</sup>

[EXTRACTS]

No. 74

RIO DE JANEIRO, May 4, 1838.

SIR: It seems proper that I should continue to give you information relative to the Blockade of Buenos Ayres by France. You will observe by the accompanying document N<sup>o</sup> 1 that the French minister has served me

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state having the right to prevent the vessels of Foreign nations from fishing within three miles of the shore, of any Territory which belongs to it *de Jure* and which it occupies *de Facto*. I have received orders to acquaint the Commanders of all Foreign Vessels, found sealing or Fishing within three miles of the shore of these said Islands, that they are trespassers, and that they will not be permitted to return to the Falkland Islands next season. I do not however wish to obstruct your fishing at present, but simply to assert the right of her Majesty over these Islands, and I have to request that these rights be not infringed by yourself, or any of the Crew under your Command. I have also to acquaint you that the British Government have given positive orders, that the Cattle, Horses and Wild Animals be protected by every means; Should you therefore require Fresh Beef, Bullocks &c they can be obtained on application to the Resident at Port Louis Betkely [Berkeley] Sound at reasonable prices, but that all trespassers will be proceeded against in the most summary manner on proof shewn that they have acted in violation of the said Government orders—

I have the honor [etc.].

<sup>1</sup> Despatches, Brazil, vol. 11.

with a regular notice <sup>1</sup>—The paper transmitted is the original, I retain a copy—N<sup>o</sup> 2 is a paper I procured from Buenos Ayres <sup>2</sup> before the date of my last dispatch. N<sup>o</sup> 3 is my note of acknowledgment to the french minister.<sup>3</sup> You will observe some slight verbal discrepancies between the first two papers. Here this proceeding of France is of course a topic of interesting discussion. Some complain of it, not only as a disproportionate, but as a novel measure. They call it Blockade without war, the conversion of an incident into a principal. They say it will injure innocent neutrals more than the offending enemy. To this the reply is—It is *war*, it includes all its consequences, rights and duties. As in former communications suggested, it is said, that the force is inadequate for its extensive object—viz—not only the blockade of the port of Buenos Ayres, but likewise “tout le littoral appartenant à la Republique Argentine,” and that its inadequacy renders it *totally* illegal—These and others, I have heard are but common place suggestions, and it is hardly worth while theoretically to discuss them,—I shall at any rate in my situation await the occurrence of an actual case. In the event of the capture of our own vessels, where will they be taken, if legally to France, the country of the captors, hardly any vessel in a pecuniary sense would be a prize. If an attempt should be made to make an improper use of the ports or courts of this or any other neighbouring country—I presume the attempt must be resisted to the *utmost*—that is by immediate and earnest remonstrance. What are the concealed motives or ultimate views of France are not yet sufficiently discoverable to authorize any sound or even specious assertion. As however in all probability upon your receiving the more direct diplomatic notice from the minister of France in Washington some discussion may ensue [*sic*]—I will give you what I have gathered in conversation—which according to your discretion you may regard as idle gossip, or use as hints available. It is said that Rosas’ opposition to France is personal, springing from his hatred and his fears. Soon after the revolution of 1829 I believe, that brought him into power it is said that <sup>4</sup> [blank] who had been the diplomatic agent of the Republic at Paris returned in a reversed capacity, having been made the *french diplomatic agent* to his own country. The gross impropriety of such conduct was visited severely upon the delin-

<sup>1</sup> The document is a communication, in French, of April 25, in which the French minister at Rio de Janeiro informed Hunter that all of the pacific measures adopted by the French representatives to the Argentine Government having failed, the commander of the French squadron had, on March 28 preceding, proclaimed the port of Buenos Aires as well as the coasts of the republic in a state of blockade, quoting the text of the proclamation. Not included in this publication.

<sup>2</sup> This is another copy, in French, of the French commander’s proclamation of the blockade. For many other documents regarding this blockade, see above, vol. 1, *passim*, beginning about this date.

<sup>3</sup> The acknowledgment stated that the information had been immediately furnished to the commander of the United States naval forces in the neighboring waters, and that a copy would be sent to his government; but it did not discuss the matter. Not included in this publication.

<sup>4</sup> Here is a blank in the document, apparently left for the subsequent insertion of the name of the person who was said to have had this unique experience.

quent, who was said to be invested with powers to place Buenos Ayres under *french controul*, and a french chief. Rosas acts, or affects to act upon the opinion that this imputed *scheme* [*sic*] of France still exists. He likewise accuses France of intriguing with the neighbouring powers to his prejudice. There is some reason for beleiving that the efforts of France are and will be directed personally against Rosas, that *his* overthrow is at least their *primary* object. In private letters from Buenos Ayres it is said that the french Admiral declares that he makes war not on the *argentines*, but *their* Tyrant. He has humanely dismissed one argentine vessel, whose loss would have been the entire ruin of its owner. Distress and consequently discontent already prevail, and a revolution hostile to Rosas pretensions is confidently predicted. In these unfortunate countries a revolution predicted is already begun. M<sup>r</sup> Slacum received from M<sup>r</sup> Dorr official notice of the Blockade as announced to him by the French admiral. . . .

To return to the Blockade I find that I have forgotten to mention, that I evidently discovered Monteiros dissatisfaction with it, not only on the grounds mentioned, but from an opinion that the French are wrong as to the original question of military service—he says France interposes for the overthrow of a municipal law which a sovereign independent state had a right to enact. Brazil has a similar law and practice. That the seeming want of reciprocity as to the treatment of the different nations arises from treaty stipulations, or diplomatic arrangement, and is no insult to France &c &c. I have learnt while writing this letter that Wylsop the Dutch Minister here has protested against the Blockade. I presume in reply to the note received from Baron Rouen. As regards myself I have been scrupulously on the reserve—altho' my opinion and action have been in various ways solicited. I wait for the instructions of my Government, and shall be cautious even verbally to compromit it. Holland loves not Belgium, nor Belgiums *ally*. I find a clear allusion to expected positive hostilities with Buenos Ayres in a Paris Journal as far back as *September*. This little affair with Buenos Ayres may be, (so some affect to think) the spark that is to ignite the combustible—matter and the already lain train of european hostility. I cannot get at the opinions of England. I do not know what M<sup>r</sup> Mandeville the Minister at Buenos Ayres has done or will do. M<sup>r</sup> Gordon the english representative here *was* but a paid attache, is young, and expecting M<sup>r</sup> Ousely every moment, I presume will take no step. Surely—the dutchman transcended the sphere of his jurisdiction, the protest ought to have been made by the consul at Buenos Ayres.

I have even now more to say, but as the developements by the Session of the Chambers, may, or rather ought to influence my communications I stop here with the renewed and sincere assurances [etc.].

P. S. Since this was written I have found out that the english diplomatic agent here *does not* object to the french blockade, but on the contrary.

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*William Hunter, United States Chargé d'Affaires at Rio de Janeiro, to John Forsyth, Secretary of State of the United States*<sup>1</sup>

[EXTRACT]

No. 75

RIO DE JANEIRO, *May 15, 1838.*

SIR: . . . The blockade of Buenos Ayres is producing its expected effects, deprivation and distress upon the immediate inhabitants of the city, activity to get out everything by the 15<sup>th</sup> of June to which time the permission of egress is extended. But the distresses of the City affect not Rosas. These relate principally to the Yearba [Yerba], the paraguay tea—lately—a good deal cultivated in Brazil, and sugar, and perhaps rum. Rosas principal estates are sixty leagues from the city, he is a Gaucho at the head of a gaucho force he hates France and will it is beleived—persevere. . . .

With the utmost regard and respect [etc.].

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*William Hunter, United States Chargé d'Affaires at Rio de Janeiro, to John Forsyth, Secretary of State of the United States*<sup>2</sup>

[EXTRACTS]

No. 76

RIO DE JANEIRO, *May 27, 1838.*

Sir: . . . I have lately received another interesting visitor, in the person of Don Manuel de Sarratea Minister Plenipotentiary from the Argentine Republic to this court. He was introduced by a very special letter from M<sup>r</sup> Dorr our consul at Buenos Ayres, who, informs me that the introduction is in compliance, with the *especial* request of the minister of foreign relations, and that it is a part of Don Sarrateas instructions to endeavour to establish a friendly frank and confidential intercourse with myself." [No beginning quotes in the original document. Ed.] M<sup>r</sup> Dorr intimates that this is of good augury to the re-establishment of amicable relations with the Argentine Government, and taken in connection with another fact, the appointment of Gen<sup>l</sup> Albear [Alvear] as minister Plenipotentiary to the United States it seems not presumptuous so to consider it. I am informed that Gen<sup>l</sup> Albear has actually engaged his passage in the ship *Nile* that sails from Buenos Ayres direct for the U. States. Don Sarratea in his interview was apparently frank and cordial communicative and sensible. He speaks english perfectly. What are his immediate objects here I have not yet discovered—I conjecture however that he intends—whatever may be his merely Brazilian views, to enter into direct negotiation with the french Minister on the affair of the blockade and its associated topics. You will have

<sup>1</sup> Despatches, Brazil, vol. II.

<sup>2</sup> Despatches, Brazil, vol. II.

a fair opportunity of judging upon the controversy between France and Buenos Ayres by the communications which I presume you will receive by this conveyance—one of the packets I transmit being the printed correspondence that has passed between the french agents and the argentine minister of foreign relations—I have a copy, and it is but fair to say that the argentine minister sustains himself admirably. What is the inducement of France in magnifying this small affair—? Is it for the purpose of having a greater number of her ships in trim and employed, without creating jealousy in other quarters—? is it for the purpose of a more rational scheme of colonisation than that of Africa—or is it for the mere purpose of directing harmlessly the incessant national—mobility—? the old roman senatorial policy—which aimed to suppress the seditious spirit of the people, by the cry of “let us march to Veii. If, (as it may be,)” [*sic*] it is only, an outbreak of *european* arrogance, against a feeble american State—I shall feel as an *american*, tho that state—is one of politics and morals, as equivocal as that of Buenos Ayres. Rosas is perhaps—brought to his senses. If the affair should go on—would you be surprized if our mediation was hinted at or requested, and that fair propositions for the settlement of our concerns will either be tendered or willingly accepted? I have in former communications explained my coure [*course?*] of conduct. Whatever may be the *President's* views of our national interest or dignity, as to this Buenos Ayrean concern, I have done nothing, in word, or deed, compromising his utmost freedom of deliberation—action, repose, or *indifference*.

As to the immediate affairs of this country, I am obliged to say, that the insurgents of Rio Grandé have obtained a signal victory, and that the reunion of that province to the Empire is but eventual or dubious. You may recollect that so long ago as January, in my N<sup>o</sup> 67 <sup>1</sup>—I said, that you were not to deem the affair of Rio Grandé as settled. I said this then—opposed by the current of general opinion. But in my view the insurrection of Bahia and Rio Grandé were always clearly contra-distinguishable. The first was an outburst of assassins-heading Mulattoes—free negroes &c undoubtedly stimulated by men of higher purpose and character, but who remained in darkness or the back ground—ashamed of the vileness of their agents—and awaiting events—This rebellion had neither legitimate motives, nor available support in public opinion. It was unaided by talent or money. It was a town against the country,—all these circumstances are contrasted by the affair of Rio Grandé.

The victory is that of Rio Padro [Pardo]. The royalist forces amounting to about 2700 men, had there formed a sort of an entrenched camp—tolerably fortified in front—but open or neglected as to its rear—Bento Manoel assaulted the front with what was supposed to be his *whole* force, but favored by means of a thick wood he had contrived to place a large body in the rear.

<sup>1</sup> Above, this part, dated January 16, 1838.

The attack in front and rear was furious. It is said that *all* the royalists are either killed, wounded or prisoners. A few officers only escaped in canoes. The consequence of this victory, is to give to the insurgents, the controul of the whole *inland* country—to render probable their speedy and safe possession of Port Allegre, and to render (as before said,) the reunion of the province to the Empire, but eventual or dubious. . . .

With great respect [etc.].

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*William Hunter, United States Chargé d'Affaires at Rio de Janeiro, to John Forsyth, Secretary of State of the United States*<sup>1</sup>

[EXTRACTS]

No. 82

RIO DE JANEIRO, *September 12, 1838.*

SIR: . . . But France, tho' her diplomatic appointments here are splendid and profuse, and her diplomatic agents able and aimable, is looked upon by *this people* with distrust and dread. The policy of her cabinet at home in regard to minor powers is felt to be stern, her pretensions are deemed arrogant and excessive, and her conduct in reference to Mexico, Buenos Ayres &c are appealed to as justifying these opinions. It is therefore presumed that no administration here in the course of mere ordinary negociation dare concede much to France. What the ablest may be compelled to do with a french fleet at hand threatning a blockade is another matter. In all monarchical countries political events are produced or influenced by causes which with us—are impossible of existence. This mere truism must not be disregarded in the consideration of the affairs of this country. An Emperor and two princesses—uniting the blood of the houses of Braganza and Austria must be *married*. Two foreign Princes have visited this country, and speculation has attributed motives, and predicted results. It is said that the *Lady* has managed well this topic of marriage and played with some dexterity upon this chord of female hope and sentiment, and that the Prince de Joinville may settle many intricate questions, even the boundaries of french Guiana by the cession of the two refractory Provinces of Para & Maranham, and the erection of another Monarchy on american territory. This is of course mere gossip—but it may not be all nonsense. . . .

. . . The affairs of Montevideo and Buenos Ayres continue to be increasingly calamitous. The proffers of negotiation made to Frutus [Fructuoso?] by a committee chosen by the legislature were rather rudely repelled. On their return from their unsuccessful mission the clamors against the President Oribe were violent and portentous. Some revolutionary proceeding was intended and would probably have been effected if Oribe had not contrived

<sup>1</sup> Despatches, Brazil, vol. II.

to fill the galleries of the legislative hall with his own armed partizans, who over awed the assembly and compelled it to break up in disorder. One charge against Oribe is the employment of foreign troops (argentine) unsanctioned by the legislature. Fructus on the other hand has made a league with the insurgents of Rio Grande who still continue in great force and who by their treaty with Fructus have obtained two thousand horses in exchange for a company and four pieces of artillery. This force has enabled Fructus to make several attacks upon Paysandu, he has been however in every instance repelled. The french Blockade of Buenos Ayres is kept up with the utmost severity. No large foreign vessels attempt to enter, and the captured launches and fishing smacks are immediately armed and maned and thus rendered the means of increased annoyance. Extreme distress has driven a large portion of the population into *conspiracy* in which a part of the army was involved. But Rosas detected it before its actual outbreak, and has resorted to his *old* method, a secret order for immediate death on all who were accused, or whom he suspected. This has spread dismay and the effort of the inhabitants now is to save themselves by flight.

Francia the dictator of Paraguay is at last dead. This event may be interesting as the wonderful country which he shut up from the rest of the world may now be opened to scientific research and commercial enterprize. . . . With unaltered sentiments of respect and regard I remain [etc.].

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*William Hunter, United States Chargé d'Affaires at Rio de Janeiro, to John Forsyth, Secretary of State of the United States*<sup>1</sup>

No. 88

RIO DE JANEIRO, February 2, 1839.

SIR: I am again induced to address you, a short and irregular despatch, and that, not in relation to the affairs of this country, (for nothing has occurred here, but those of ordinary detail) but to those of *Buenos Ayres*. The french *at present* mean, (from the best information I can collect,) to bombard that port. The small armed vessels that have arrived *here* from France, (meaning instantly to proceed) are calculated for that purpose, and are loaded with boats, or materials for boats, bombs &c &c suitable for this enterprize. The Calliopé of the english navy, has been ordered from hence in haste by the english minister, to offer embarkation and protection to english residents. Captain M<sup>e</sup> Kensie is as you know stationed, (as it were,) in the waters of Buenos Ayres, and Commodore Nicolson sailed from hence on friday the 25<sup>th</sup> ulto for Monte Video, and will be at hand in time and place to offer assistance and advise—A Minister Plenipotentiary from Buenos

<sup>1</sup> Despatches, Brazil, vol. 11.

Ayres sailed from here a few days since in the english packet—I think his name is Moneiro [Monteiro?].—That France, meant to conduct herself haughtily and severely both to Buenos Ayres, and Mexico, and to every other American power (the United States perhaps excepted) I have distinctly long ago intimated. England does not like this, but as France, adverting to former scenes, is but her *copyist*, she has said less than she perhaps penitentially *feels*—The diplomacy and the navy of England here, are against France—and Capt<sup>n</sup> Herbert of the Calliopé, a sensible and well bred gentleman, who I beleive bears the opinions of M<sup>r</sup> Mandeville, the english minister at Buenos Ayres, not only suggests something against France, but something also in extenuation even of the late conduct of Rosas—France means to be successful. She means in *America* to avenge her great american wrong, as in her pride she conceives it. To the gross mass of the population of enlightened France—the bombardment and conquest of american Buenos Ayres and the american Castle of St Ulloa in Mexico, will be as it were the bombardment and conquest of New York & Charleston—& the *Jackson* indemnity will be repaid. Do not impute this thought so much to *me*, as to every *other neutral diplomat here*. My thought is as you know that France has been for years filling her Navy by its cunning increase, and by employing and disciplining its crews for a crisis;—that of 1839—40 that she has predicted or concerted—As I write for the mere purpose of assuring you, that whatever may happen at Buenos Ayres or its vicinity, we have force and intelligence enough to prevent any ill consequence to our country—I subscribe myself not without the renewed regret of being unhonoured by any notice since June last your obedient faithful servant—

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*William Hunter, United States Chargé d'Affaires at Rio de Janeiro, to John Forsyth, Secretary of State of the United States*<sup>1</sup>

[EXTRACTS]

No. 89

RIO DE JANEIRO, April 16, 1839.

SIR: . . . The general condition of this country is far from being auspicious. Nothing is at ease, nothing is safe. The rebellion (as the legitimates call it) of Rio Grande, so far from being overcome, has become in some degree *legitimate* itself. There is possession of an immense tract of *interior* country, connected with a port or outlet to the sea. There is a nominal republic—with some shew of political organization. . . . The means of suppressing the Insurrection or Revolution of Rio Grande—have never been uniform or consistent—The abuse of little victories on the part of the legitimates has *lead* to *cruelty*, little defeats have *lead* to excessive alarms, to *unseasonable* and

<sup>1</sup> Despatches, Brazil, vol. 11.



unnecessary concessions—The sword and the olive branch have been flourished in classical phrase. But the true application of this maxim of civil wars meaning superiority and always requiring energy—magnanimity—and clemency, has been misunderstood and misused. Money that is corruption has lately been resorted to and it is singular that Torres the late Minister of War is now at Rio Grande unconscious of his own resignation and dismissal, disbursing large sums and literally buying golden opinions. The Province of St Catherine is *disaffected* and it may truly be said that discontent a spirit of disunion and a desire for independence exist in nearly all the provinces with the exception of the Minas Geraes and Rio de Janeiro—In this state of things how is this administration to get on— . . .

The suggestion at which I hinted some time since, of the marriage of one of the Princesses to a son of Louis Philipe, assumed more of shape and substance than I was aware of. The dowry to be enough of Brazil in connection with french Guiana to constitute a respectable kingdom. As this scheme would be evidently contrary to our avowed policy, and injurious to our commercial interests, I have cautiously, but I hope with some effect talked against it. England cannot regard such an attempt with indifference. And it has required no great skill to awaken a patriotic aversion to dismemberment of Empire in a country which is proud of its present bulk and desirous of more. I have not been able to discover whether the late Ministry in any degree favored this french project, but I feel certain it would be odious to the people, and be resentfully rejected by the Legislature. . . .

In the mean while I remain, Sir, [etc.].

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*William Hunter, United States Chargé d'Affaires at Rio de Janeiro, to John Forsyth, Secretary of State of the United States*<sup>1</sup>

[EXTRACTS]

No. 91

RIO DE JANEIRO, April 29, 1839.

SIR: . . . You will not be displeased to hear that it is probable that the affairs of Buenos Ayres are about to be arranged and that of course the blockade will be discontinued. This arrangement it is said is to be effected by the award and arbitrament of M<sup>r</sup> Mandeville the british Minister Plenipotentiary and our Commodore J. B. Nicolson—This presumes of course *authority* in the French Admiral, and a willingness to admit that authority on the part of the Dictator Rosas. That M<sup>r</sup> Mandeville has by instructions from his Government been endeavouring to mediate, is well known, but that our Commodore is instructed or commissioned by our Government is what I do

<sup>1</sup> Despatches, Brazil, vol. 11.

not know. My information in regard to this matter is from the french Minister himself who received letters from Admiral Le Blanc, and from *Lomonosoff* the *Russian* Chargé who has received letters from Commodore Nicolson. There can be little doubt then, that this attempt at arrangement, is at least in progress, and it is to be hoped and presumed, that the parties who have both of them errors to expiate, and who are tired out by an unprofitable contest, will suffer the commissioners to settle all differences succinctly and conclusively. . . .

I remain, Sir, [etc.].

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*William Hunter, United States Chargé d'Affaires at Rio de Janeiro, to John Forsyth, Secretary of State of the United States*<sup>1</sup>

[EXTRACTS]

No. 93

RIO DE JANEIRO, June 3, 1839.

SIR: . . . In regard to the late resignations Vasconcellos ordered his men to abandon a sinking ship. He had, accompanied with charges of self advantage, to meet a deficit of at least four millions, and a rebellion not only unsuppressed, but shaping itself into the form and organization of something like a consistent Government. The negotiations with the Pope were evaded, and the french Guiana boundary question (upon which so far as I have studied it, Brazil is irrefutably right) was undisturbed by any warm patriotic diplomatic declaration, that the Nation of Brazil would stand upon its territorial rights, and regard the point in controversy as one of the highest that occurs between nations, literally one of national integrity, and politically one of national honor. These topics were dwelt upon with expensiveness, and occasionally with ability by part of the chamber of Deputies. Accusations of corrupt intrigue with Fructus [Fructuoso] Rivera against the legitimate Government of Montevideo, and of tameness or acquiescence as to the proceedings of France against *Buenos Ayres* and *Mexico*, were not withheld. Montezuma and Abreo were the principal debaters, who directed their attacks against the administration of the 19<sup>th</sup> of September, and they both, especially Abreo, charged this administration with antiamerican tendencies and with submission to european exactions. He eulogized the United States, and referred not only to its uniform policy of frankness, fairness and firmness in diplomatic proceedings, but referred to and dwelt upon the latest and best exposition of that policy by the present President. . . .

There had been some months ago a report in circulation that there was a dissension in the Vasconcellos cabinet, that is the one of the 19<sup>th</sup> of September, upon this very point of antiamerican tendencies and european partialities. The accusation was the theme of newspapers and pamphlets

<sup>1</sup> Despatches, Brazil, vol. 11.

and pressed with so much force and verisimilitude that Vasconcellos found himself under the necessity in a well written specious letter addressed to a grave and a distinguished personage to contradict the assertion of his anti-american tendencies, and of any dissension or division in the cabinet. . . .

. . . I ought to say that I have reason to believe that it is the present intention of this country to renew no treaty merely because it happens to expire. The whole medley of Brazilian politicians affect now to declare that they have by their treaty with England not only placed themselves in a false position as to other nations, but have in effect curtailed their own rights of legislation and Sovereignty. This is a serious truth. But what will not England attempt in 1842-3-4 having peculiar commercial interests to sustain, loving sway as she does, and always treating arrogantly Portugal and Brazil as her own colonies—and the hated, (I think unjustly,) having force that intimidates and money that corrupts. I merely now open this subject—which I take the liberty of presenting thus seasonably to your and the President's deliberation; that it may not be hereafter said that I faltered in uttering that which I deem a matter that ought to be distinctly enunciated, and which to us amicably inclined to Brazil as an independent American nation, unites as it were principle and sentiment with self interest, and presents a topic in regard to which the sound and sober opinion of the people, will be in accord with the sound and sober politics of the *Cabinet*. You will pardon a suggestion which I throw out merely as such. *France, Portugal—England ourselves*, to speak of no others have to treat with Brazil perhaps not before 1842-3. Should we not say discreetly but firmly to England and Portugal as well as Brazil—we cannot longer submit to this system of partialities or favoritisms. Should we not early explain ourselves to France, and establish our only true system, real equality, by Treaty or no Treaty—leaving everything in future to our own means, persuasive or energetic for inducing or enforcing it. . . .

I remain, Sir, [etc.].

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*William Hunter, United States Chargé d'Affaires at Rio de Janeiro, to John Forsyth, Secretary of State of the United States*<sup>1</sup>

[EXTRACT]

No. 96

RIO DE JANEIRO, August 12, 1839.

SIR: My communications from this country have had a tedious sameness. It has been my duty to describe from time to time, with a mournful uniformity the insurrections of Provinces, the sudden and capricious changes of counsels, and denials of even *notice*, of the just claims of our fellow citizens. With deep regret I have now but to reiterate similar events. There is a

<sup>1</sup> Despatches, Brazil, vol. 11.

sad defect somewhere either in the institutions of the country, or the temper and habits of the People. But this is, perhaps, a mere abstraction, on which I will not now theorize, tho' perhaps I may hereafter say something, which may induce my *successor* to turn his attention to this subject, as one not unconnected with our diplomatic position here, and our important commercial relations at home. The insurgents at Rio Grande so far from being quelled are enterprizing, and partially victorious. They have made an incursion into the Province of St Catharines, have possessed themselves already of a considerable town, and threaten the subjugation of the whole Province. A new and formidable insurrection has taken place in the Province of Maranhão, while that of Pará adjoining, can hardly be said to be subdued. Rio de Janeiro, and almost all the other provinces continue to be peaceable and loyal; but there are looks and expressions of alarm, and consternation, which I have never witnessed on any preceding similar occasions.

The forces of the Empire are drawn to opposite quarters, there appears to be an impossibility of concentration. . . .

With true and unaltered respect [etc.].

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*William Hunter, United States Chargé d'Affaires at Rio de Janeiro, to John Forsyth, Secretary of State of the United States*<sup>1</sup>

[EXTRACT]

No. 97

RIO DE JANEIRO, August 29, 1839.

SIR: . . . The constitutionalists with a real present attachment to Monarchy, and the future Monarch, constitute as I believe the true majority of the Brazilian Nation.

As I have before, more than once intimated, such insurrections as were those of Pará & Bahia and as is, that of Maranhão, tho' disgraceful and deplorable, are not formidable. The best of those engaged in them are instigated only by a spirit of rapacity, and urge on the ruffian herd of negroes, mulattoes, Indians, and half breeds who compose their forces—only for plunder. As to the blood of their victims, surprised in their habitations, or their own blood tracking their retreat to a spot of forest safety they are equally reckless. They have no system, no principle, no hope of the establishment of a new or permanent Government. It is otherwise, on various grounds as I have frequently before said in regard to Rio Grande. I refer now only to one consideration. This is an *exhausting* concern to this Government. It is this concern which has overset what little of system there was

<sup>1</sup> Despatches, Brazil, vol. II.

or could be in their finances. There is an over remittance at great sacrifice, to one point, and the state of the country is such that the very monies remitted, in no small, portion, go to the feeding of their enemies, for they are in possession, of the whole of the back country, from which the principal supplies of an army must come. The money thus obtained does not return. . . .

With great respect [etc.].

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*William Hunter, United States Chargé d'Affaires at Rio de Janeiro, to John Forsyth, Secretary of State of the United States*<sup>1</sup>

[EXTRACTS]

No. 100 Confidential

RIO DE JANEIRO, November 25, 1839.

SIR: . . . Having reference to the coming year 1840 it perhaps behoves us to study somewhat closely the composition of this ministry, and its chances of duration, as well as to review generally our diplomatic and commercial relations with Brazil. Is this ministry favorable to us—is it likely to last? As to the first question, so far as depends upon mere *words*, and warm and repeated words, it professes to be favorable. In all conversations with the present secretary of foreign affairs, our country has been ever mentioned with marked respect, and personally my family and myself have been addressed with a most courteous *attention*. But there is some reason for the belief that this ministry is too english to be just to us, or others, and that the favor & the courtesy are meant to obscure the vigilance that would detest, and silence the frankness that would expose a *favoritism* at first unjust in itself, now obsolete as to its motives and objects, and altogether incompatible with our present condition as a nation, to say nothing of our distinguished characteristic *progressiveness*. As at present advised, my opinion is that we ought not to hurry any new connexion with this country; why should we yield a jot to english or even portuguese pretension. My opinions are influenced by no personal prejudice but are derived from what I beleive to be the genuine brazilian sentiment which I have been solicitous to consult and which it is my duty sincerely to express. That sentiment is in our favor, against english french or even portuguese effort or assumption. This Ministry has at least an apparent english tendency. Lopes Gama the secretary of foreign affairs—the near relation of the Regents wife, his intimate friend, his selected Senator, was and legally is the chief Justice of the *english court* here—he was selected by the english—he has been conversant in english concerns he has handled—(I do not mean to say corruptly) english money. His place on that bench by some mode of election or substitution which I do not comprehend is now held ad interim by Lisboa's brother, the

<sup>1</sup> Despatches, Brazil, vol. II.

under, but perhaps in most cases the efficient Secretary of foreign affairs. Alves Branco like every other brazilian minister of finance courts the financial favour of England, he has constantly either to apologize for not seasonably remitting the dividend on the foreign loan, or to implore a new advance from the London Banker. I ought however to observe that it is confidently said here, and by the english themselves, that the reason why Lopes Gama was desirous of a Senatorship and of another office, is his conviction, that the article of the Treaty establishing his english Judgeship will never be renewed. I observe that the expiration of the english treaty in 1842 has been adverted to in Parliament, and I incline to think that british pride and policy, will prompt the assertion of every favor distinction and prerogative, they now possess here. Their most liberal minded statesmen seem to speak of Portugal and Brazil as tho. they were english colonies. It will be asked what harm ensues to us by these favoritisms to England—certainly in actual visible pecuniary loss not much. But why should we submit to usurpation, and acquiesce in the subversion of the great fundamental principles of national law—equality and reciprocity. . . . The Agents of the claimants and especially M<sup>r</sup> Gardner and Wright have had most encouraging intimations from various quarters. . . . I hope my course will be approved by the President, and that he will preceive in it, combined with a concession to individual importunity, and a readiness to seize on every apparently favorable occasion for the advancement of the interest of our citizens, a steady regard to national dignity, and a faithful adherence to my instructions. I can only say that on this subject tho' I am not sanguine I have a right to hope, and that I mean seasonably to use all the means which my experience may suggest to insure success. But to pursue the reply to my own queries. Altho this administration may be favorable in *this* last respect, it will not be so, for reasons already intimated as to the more important concern, a forbearance of concession to, and favoritism towards England, and the adoption of a fair frank scheme of national policy founded on a perfect national equality. For this very reason this Administration cannot last long, it will probably not survive July—Public and legislative opinion is against England; and unfairly so, because all the just cases of discontent and dislike, are aggravated and inflamed by what are deemed the high handed measures against the slave trade. It cannot be concealed than [that?] an immense amount of brazilian capital and credit are engaged in this traffic, that it is countenanced by the indifference or favor of the people, has been connived at by the Government, and corruptly protected by the courts of *Justice*. The english captures have occasioned numerous bankruptcies and excited at once alarm and indignation. The clamor here is no treaty with England no more treaties with *any* nation of the old world—For it is singular that France is also altogether out of favor—There is even a club or association lately formed here in Rio de Janeiro, the bond of whose union is the non-consumption of

french goods, and the non-employment of french mechanics artisans etc—The french population here male and female is much larger than that of any foreign nation, the portuguese excepted. Most all the delicate and decorative employments those of milliners—dress makers—jewellers—dentists artificial hair workers, pastry cooks etc—etc are in the hands of the french—They are the arbiters of taste and fashion, and their opinions and their wares are recommended by their talents and politeness. Of course they engross custom and accumulate fortunes. This naturally excites the envy and jealousy of their indolent and less accomplished neighbours. But their cupidity and chagrin borrow the hues and tones of political philosophy, and claim to be ennobled by elevated notions of the rights of nations and mankind. They deprecate the conduct of France as that of a great armed power, oppressive of smaller states, and seeking their degradation or subjection, and appeal with rather fortunate aptness, to the instances of Mexico and Buenos Ayres, and the invasion and occupation of their own territory at Ocapoe. You must take this for what it is worth. The main fact is true.

There is one possible predicament for which we ought to be prepared. It may be the policy of Brazil to urge upon us a treaty by way of model, and for the purpose of announcing generally to foreign nations their principles; and their determination to abide by them. Our present Treaty is called sometimes in sneer, sometimes in praise a treaty of maxims and definitions. It is too apparent to those powers who affect to think the new world was discovered only to be colonized by the old, that it includes the system of american Independence that it recognizes as a practical truth not as a mere theoretic abstraction, the equality of nations, that it seeks for and offers reciprocity, that it respects and enlarges the freedom of commerce, and that upon all the contested points of neutral and belligerent assertion it liberally but not recklessly inclines to the neutrals—the weak the defenceless and unarmed. Suppose we make a perfect Treaty in 1841 and England negotiates in 1842–3, would she not enforce with all her means other principles, and even if we had a positive stipulation that our principles were never to be counteracted in any after Treaty, with any other power—could we depend on the firmness and courage of this Government, and are we willing to hazard a collision with England, which would seem to be inevitable, if she were arrogant enough to attempt in an after Treaty the assertion of principles and the stipulation of provisions diametrically opposite to those we had previously asserted and obtained. Is not some delay on our part preferable. Is it not best to treat contemporaneously and amicably, previously sounding other *powers*. This is submitted with deference to a higher and more comprehensively informed sagacity. I quit this subject. . . .

. . . I say nothing of Buenos Ayres, except to transmit you a paper from that place in *Spanish*—put up *seperately*—containing important documentary matter. The reports of the day are that General Rosas—is on his retreat

from the Monte Videan territory, and that the present aspect of affairs is favorable to Fructosa [Fructuoso] Rivera. He is as you know aided by a french force composed principally of the Marines and a select number of the crews of their ships. Two french vessels of war, a destined reinforcement, are now in this harbor, and are expected to sail tomorrow. More ships and troops and a new Admiral are expected from France. The blockade tho' as vigorous as ever in its terms and as extensive in its range is but feebly sustained. But the habits of trade are broken up, and the poverty and distress of Buenos Ayres are stated to be cruel and extreme. Commodore Nicolson and all our ships are now at the River—England is making a serious and enlarged attempt at the settlement of the Malvin [Malvinas] (Falkland) Islands. The avowed object is to have a marine station midway between England and their *growing Empire* in Australia. . . .

In the mean while I remain [etc.].

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*William Hunter, United States Chargé d'Affaires at Rio de Janeiro, to John Forsyth, Secretary of State of the United States*<sup>1</sup>

[EXTRACT]

No. 101

RIO DE JANEIRO, *December 29, 1839.*

SIR: . . . The concerns with France are perplexing, and the french force now in this quarter of the globe, is formidable, say forty vessels of War of all sorts. There are those who say, that France has revived the old scheme of an antartic France—peaceably if she can—forceibly if she must. The report of the intention to offer the Prince de Joinville to the youngest Princess of Brazil, is adverted to in European Journals, and the return of the Baroness Rouen to Europe—may not be unconnected with this affair. The marriage is nothing to us, and perhaps a french *south* american monarchy need not alarm us, especially if it should be allied to France, only in the relation of a friendly independent power, and not as a mere colony. Is it inexpedient to utter our anticolonial suggestion as well in France, as here, and elsewhere— The balance of power in Europe we perhaps have but little to do with—but the balance of power of the new world is our especial concern. If France, at present perhaps guided by counsels, as ambitious and more sagacious than any country of Europe, should be placed in the command of that *Empire* which can be made by the extension of her Guiana boundary upon Brazil, either as a colonial establishment, or as an allied monarchy—with the command of the Amazon and other great rivers—she will possess—especially if a monarchy connected by marriage is the scheme—

<sup>1</sup> Despatches, Brazil, vol. 12.



an influence over Brazil unfavorable to our notions of free trade, and introductive or rather confirmatory of that european influence in american concerns—which if I understand the purport or M<sup>r</sup> Monroe's uncontradicted declaration, it is our duty—our policy—and in a fair sense our right to prevent. Whatever may be the fluctuations of this singular country—it cannot fail from its wonderful natural resources—and its position on the Globe, to be, in reference to its commercial intercourse, one of immense interest and importance. It is so now. Not only our immediate, but our *prophetic eye*—ought to be directed towards it. I fear less from England whose star here is waning, than from France—catholic France—connected by family alliance.

It is to be apprehended that the simplicity, not the purity, of our diplomatic course may be in some degree affected by the strange condition of the world. In our own neighbourhood the Independence of Texas, the perturbed state of Mexico and Canada, the rapid progress of Cuba towards wealth power and perhaps independence, present as I presume topics for your reflection. And in this connexion I ought not to omit the information that there is now in this port a well appointed russian Bark the Nicholas, about to sail with a Governor—troops settlers etc for the North West settlements. It is said here that France has sent to *Texas* two spanish Bourbon Princes for their *education*. The suggestion here is they are to be ready for american Kings if circumstances favor.

That there is in the diplomatic circles here talk more free and frequent, than heretofore, against all the spanish american republics is certain. That France once had a monarchical scheme for Buenos Ayres is asserted by Rosas, and a kind offer of a like nature to Mexico after the restoration of the Bourbons, is I beleive admitted. The ultra monarchical party here predict with plainness and pleasure, the repeal of the additional law—that is overthrow of the federative system of the Provinces, when the Emperor shall be of age. This party deprecates the idea of their Monarch, being but the nominal head of eighteen stormy Republics, and a return to the old system of captaincies or one modeled on the municipal prefecture institutions of France is openly desired and avowed. But in regard to the designs of France I ought not to omit to inform you that there are those here who contend that the great force now collected at Buenos Ayres, is only for the purpose of facilitating a settlement upon fair and moderate terms— That the new Admiral Duportet remarkable for the mildness of his temper and manners, is invested with a plenipotentiary diplomatic character, that France is weary of the blockade, and will go so far as to disavow the acts of Admiral Le Blanc. If so, she must likewise disavow her alliance with Fructus [Fructuoso] Riveira [Rivera], the revolution she has effected at Montevideo, and the civil war she has stirred up in the remote Argentine provinces. A suppression of the blockade is very confidently suggested in the french circles, and has considerably influenced mercantile opinion. Adventures are on foot, funds and Ships

collecting, for the purchase and transport of the immense amount of products the blockade has accumulated. A few days must determine this matter. I transmit N<sup>o</sup> 1 a document from Admiral Le Blanc which will throw some light upon some of my remarks.<sup>1</sup> . . .

With high respect and regard [etc.].

## 547

*William Hunter, United States Chargé d'Affaires at Rio de Janeiro, to John Forsyth, Secretary of State of the United States*<sup>2</sup>

[EXTRACT]

No. 103

RIO DE JANEIRO, *January 30, 1840.*

SIR: . . . I presume that by this opportunity you will receive if you have not before an account of the great victory obtained by the troops of Monte Video over those of Rosas. The account is given in the Journals now transmitted. Admiral Le Blanc is here on his way for France— The prediction is that Rosas will be overthrown: the Blockade raised and commerce restored to its wonted freedom. I think there are yet many difficulties to be overcome. If however the pacification of that part of the world is at hand—it may not be inexpedient in us to attend to our commercial interests there—which are of considerable and increasing importance, and amid the pressure of other claimants to secure for ourselves an equal and favorable position. From all I hear our propositions would be listened to with good will both by Monte Video and Buenos Ayres—altho' they are and perhaps ever will be hostile to each other. Our fair and moderate course would win its way the

<sup>1</sup> The document, referred to, follows:

*Proclamation by Admiral Le Blanc, Commander-in-Chief of the French forces off the coast of Brazil*

MONTEVIDEO, *November 10, 1839.*

WE, Rear Admiral, commander in chief of the French naval forces stationed off Brazil and in the Southern seas,

WHEREAS a revolution has broken out throughout the South of the Province of Buenos Ayres against Governor Rosas.

WHEREAS the chiefs of this revolution have voluntarily addressed us to acquaint us of the fact that they rejected the policy of General Rosas relative to France, and considered themselves at peace with her.

Wishing to give to the Citizens of the Argentine Republic a proof of the friendly disposition which has not ceased to animate France toward their country, and to the commerce of all the nations a new proof of the desire we have always had to lessen as much as possible the inconveniences resulting to it from the Blockade of the Argentine littoral.

DECLARE the Ports of Salado, Bahia Blanca, and Carmen or Patagones, situated on the Shores and coasts of the Argentine Republic, which extend from the Bay of S. Barrombon to the Rio Negro de Patagones—temporarily open to the Flags of all Nations, reserving to ourselves the right to restore the Blockade should circumstances become of a nature to require it.

<sup>2</sup> Despatches, Brazil, vol. 12.

better on account of the clamorous and exacting claims of the french and english. We should treat as an american with americans, with Monte Video repenting of its french alliance, and with Buenos Ayres under whatever Government it might be, smarting under its wounds and brooding over suppressed resentments. I cannot but think that our intervention at such a crisis would be useful to these countries and advantageous to our own. It is only because, that we have no diplomatic agent in either (so far as I know) that I venture on these remarks. My means of information in regard to both countries are various and I believe correct. . . .

With renewed assurances [etc.].

## 548

*William Hunter, United States Chargé d'Affaires at Rio de Janeiro, to John Forsyth, Secretary of State of the United States*<sup>1</sup>

[EXTRACTS]

No. 105

RIO DE JANEIRO, February 27, 1840.

SIR: . . . The present portuguese minister Snr Figanieri on account of a change of measures and men at home is about to be removed. This is a circumstance I regret—as he was friendly to our country, and personally sociable and accessible. But the portuguese are jealous of him—I think unjustly, as inclining too much towards England. The gentleman who is mentioned as likely to succeed him is, a Snr Bayard, represented as eminent in literary and juridical acquirements, and who combines in his favor the fervid admiration of his own party, and the respect and good will of its political opponents. All parties seem now to be preparing for the Treaty making times of 1841. 2 & 3. The Lisbon journalists avow that the object in the appointment of Snr Bayard, is the formation of a Treaty favorable to Portugal as to its *productions*. . . .

. . . The politics of this country and Portugal, are, and will be further mixed up with the question of the Slave trade; to such a degree even, as materially to influence diplomatic efforts and treaty stipulations. The philanthropy and popularity of the british Ministry, the resentments of portuguese and brazilian Slave traders, are obviously to be elements, that will enter into future negociation. Our course on this subject of the Slave trade has been so uniform so sincere, so reserved and dignified, that it is not to be anticipated that any pressure of circumstances, can involve us in this passionate contest; except perhaps so far as portuguese intercession operating upon brazilian sympathy, may induce this country to concede favors to Portugal, injurious to the freedom of trade and national equality.

Intending to address you again speedily by M<sup>r</sup> Slacum I remain [etc.].

*William Hunter, United States Chargé d'Affaires at Rio de Janeiro, to John Forsyth, Secretary of State of the United States*<sup>1</sup>

[EXTRACTS]

No. 106

RIO DE JANEIRO, *April 29, 1840.*

SIR: . . . The withdrawal of the french troops from Oyapock, and the relinquishment of the intention of further military occupation of the disputed territory is an event, hailed here, as one uncommonly favorable, and has had the effect of retarding the fall of the ministry, and mitigating the acrimony of the factions that make up the opposition. If France has fully withdrawn her pretensions, whatever may be the motive, it affords matter of congratulation, not only to this nation but to others. The commerce of this immense and abundant country, which in spite of its faults of institution or administration is constantly increasing, and especially with the United States, will be undisturbed, and what is of more moment the peril of dismemberment by France or the worse necessity of soliciting or submitting to foreign protection will be avoided.

The disturbances at St Catharines connected with the extensive and protracted insurrection of Rio Grande has been entirely allayed, and the aspect of affairs at Rio Grande itself is deemed by military men as auspicious. . . .

. . . I think I am not mistaken in the views I have heretofore presented of the intentions of this Government. It will not—it cannot renew in the fullness of its provisions and partialities the british treaty. It will form no other upon that basis. Portugal from the influence of slave traders, from a sympathy with her as harshly treated by England, a sympathy which the book of the Marquis Bandeira on the slave trade proceedings has justified and augmented, stands now a better chance than formerly, but still I cannot beleive that any system of favoritism will be pursued, and it certainly cannot be without the grossest inconsistency with the language of any eminent politician of this country. The english are awake upon this subject, and alarmed by what they now beleive to be the settled determination of this Government. It has lead to the absurdity of its being contended that their treaty does not expire until 1844. Snr Bayard the expected new Minister from Portugal has not yet arrived. I shall endeavour to ascertain his course, and if injurious to us conteract it. . . .

Intending to address you again by M<sup>r</sup> Slacum I remain [etc.].

<sup>1</sup> Despatches, Brazil, vol. 12.

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*William Hunter, United States Chargé d'Affaires at Rio de Janeiro, to John Forsyth, Secretary of State of the United States*<sup>1</sup>

[EXTRACT]

No. 111

RIO DE JANEIRO, *July 31, 1840.*

SIR: I did not anticipate the singular and rapid result of what I called in my despatch N<sup>o</sup> 110 June 28<sup>th</sup>2 “the rather critical state of affairs in this country.” But events certainly of high interest and in popular estimation, events pregnant with benefits and blessings, have taken place here, with an unexampled rapidity of movement, and completeness of developement. A bloodless revolution has been effected. The Emperor Don Pedro the 2<sup>d</sup> who will be fifteen years of age on the 2<sup>d</sup> day of December next, is declared to be of full age, has been called to the exercise of all the functions of his high office, and is now in complete possession of his Imperial Throne— By consequence the Regency has terminated. The old Ministry is dismissed and a new one appointed. . . .

Intending to address you again by the next opportunity, I in the mean while remain [etc.].

551

*William Hunter, United States Chargé d'Affaires at Rio de Janeiro, to John Forsyth, Secretary of State of the United States*<sup>3</sup>

No. 118

RIO DE JANEIRO, *November 26, 1840.*

SIR: As it may be of great importance to the Government to have the earliest authentic intelligence of the cessation of hostilities between France & Buenos Ayres, and the raising of the Blockade etc, I transmit the enclosed British Packet of the 7<sup>th</sup> and remain [etc.].

552

*William Hunter, United States Chargé d'Affaires at Rio de Janeiro, to John Forsyth, Secretary of State of the United States*<sup>4</sup>

[EXTRACT]

No. 123

RIO DE JANEIRO, *April 21, 1841.*

SIR: There has lately, occurred that, which in this country is so frequent, viz an almost total change of Ministry, that I take no credit in having predicted it. But it is presumed not to be in this instance unfavorable to the United States. Aureliano the Minister of foreign affairs, who has effected

<sup>1</sup> Despatches, Brazil, vol. 12.<sup>2</sup> Not included in this publication.<sup>3</sup> Despatches, Brazil, vol. 12.<sup>4</sup> Despatches, Brazil, vol. 12.

this change of course remains, and has surrounded himself by his personal and political friends— Calmon with whom as well as with Aureliano I have always been intimate, is made Secretary of the Treasury. The ostensible cause of this change is, the ill success of the Government in their attempts, either of warfare, or amnesty, to subdue, or conciliate the insurgents of Rio Grande. In truth that insurrection has taken in a degree a regular and as it were a legitimate form. To the offer of amnesty—instead of penitence and submission as offenders, the chiefs not only demurred upon the terms of surrender, but assumed the character, and affected the dignity of the magistrates and generals of an independent foreign nation. They stipulated not so much for pardon, as for indemnities honors and offices. I never could understand what were the grievances of this Province, orther than the offended pride and disappointed aspirations, of a few of its opulent and influential proprietors. . . .

In the hope of soon being in possession of this intelligence I remain [etc.].

## 553

*William Hunter, United States Chargé d'Affaires at Rio de Janeiro, to Daniel Webster, Secretary of State of the United States*<sup>1</sup>

[EXTRACTS]

No. 134

RIO DE JANEIRO, *October 26, 1841.*

SIR: . . . The affairs of this country are assuming an aspect which calls for the attention of all commercial countries and especially our own. The former reckless liberality towards England, which Brazil severely repents, renders fashionable and popular, the opinion, that no Treaties with any Nation are necessary or advantageous. The suggestion once intimated to me by this Government, that we should proceed to negociate a model treaty has not been lately renewed— The suggestion itself never assumed a definite official form, and might be meant as merely complimentary to my Government, or as experimental to elicit from me a wish or an opinion. . . . Our object is to prevent monopoly,—its substitutes or disguises, to resist extraordinary favors to other nations, and to prevent so far as seasonable and justifiable negociation can the adoption of wild sudden indiscriminate and excessive system of imposts discouraging to our Merchants and in truth destructive to all regular commerce— You will find in the sequel that on this last point I have indirectly attempted something and with some at least temporary effect. . . .

Our dates from *home* are only to 22<sup>d</sup> August. Waiting impatiently for the intelligence of the close of Congress and its doings I remain [etc.].

<sup>1</sup> Despatches, Brazil, vol. 12.

## 554

*William Hunter, United States Minister to Brazil, to Daniel Webster, Secretary of State of the United States*<sup>1</sup>

[EXTRACT]

No. 3

RIO DE JANEIRO, *January 14, 1842.*

SIR: My letter of credence as Envoy Extraordinary and Minister Plenipotentiary was presented to the Emperor on the first day of this month.

My reception was in every respect courteous, and it was obvious that Ministers meant to make as much of this affair as they could.

The present state of their external relations is by no means agreeable. Their dislike towards England is manifest. It arises from permanent causes which I have heretofore explained, but is at this moment inflamed, not only by new insults by irregular captures of slave vessels, but by a new sharp and unexpected quarrel as to *boundaries*, to say nothing of the disdainful rejection of the loan which this Government has been long soliciting in London. Portugal is pressing pertinaciously for the payment of an ascertained money balance, the result of a settlement of past transactions made by Commissioners. France is sullen, and perhaps evasive, on the question of the Guiana boundary. She resists too, as I have already explained in my N<sup>o</sup> 135,<sup>2</sup> the attempt to subject the orphan children of their native subjects to the jurisdiction of this country.

This country is troubled, too, by somewhat inconsistent transactions, if not engagements, which have passed between her and her neighbours Buenos Ayres and Monte Video; both, as you know, at war with each other.

In this state of things it was peculiarly grateful to be noticed in a friendly and complimentary way by the United States. And to have that notice impressed by the attendance of such a ship as the Delaware and our other ships, exhibiting a larger naval force than any other country had at any time exhibited here, was hailed as a happy coincidence, and even as an auspicious omen. . . .

We are now almost constantly occupied with visits of high people, Emperor &c. to our ships. This of all modes of ceremonising is the most time-engrossing, and is my apology for rather abruptly closing this despatch—with the renewed assurance [etc.].

<sup>1</sup> Despatches, Brazil, vol. 12.

The low number of this despatch following the preceding numbers makes it desirable to explain, as Mr. Hunter did, in an earlier despatch which is not included in this publication, that he was starting a new series of numbering.

<sup>2</sup> Not included in this publication.

*William Hunter, United States Minister to Brazil, to Daniel Webster, Secretary of State of the United States*<sup>1</sup>

[EXTRACTS]

No. 6

RIO DE JANEIRO, May 25, 1842.

SIR: . . . Portugal stands in a position which our own somewhat analogous history enables us to comprehend. The metropolitan country wishes still to find Brazil a colony, and Brazilians suspected that the resident Portuguese favoured, as perhaps they unconsciously did, such a feeling. But the Brazilian jealousy is extreme, and the Portuguese feeling dared hardly manifest itself by an overt act— This state of things, however, has in a great degree passed away. Portugal, some few years ago (1837) succeeded in negotiating a treaty with Brazil on the plan of favouring by diminished duties their mutual importations. I explained this early to our Government, and was at the time so apprehensive that it might affect our interests—principally in regard to the exportation of our rice to Portugal, that I felt justified in discreetly contributing my small efforts to prevent the acceptance of the treaty by the Chambers. I explained confidentially to Feijo, the then regent, that this scheme would be an obstacle to their great object—viz. unobstructed legislation as to tariff—and a contradiction to their asserted theory of impartiality towards all nations. The treaty was rejected, and Portugal is now as is every other nation, (with the doubtful exception of Great Britain, which claims, as you know, the prolongation of her treaty until 1844) unconnected with Brazil by any treaty stipulation whatever. . . . But to Brazil Great Britain is the engrossing object of care, hope, and apprehension. With Great Britain Brazil is connected as an ally at once submissive and querulous, as a quasi colony rather than as an equal power. England is here, as it were, at home. . . . But England, even independent of the slave trade question, has been too selfish, and her undisguised arrogance has engendered popular aversion and even vindictiveness, the more embittered from being hitherto powerless. The renewal or the refusal of the treaty may occasion the explosion of suppressed resentments, and it will be the part of wisdom in ministers here not to be betrayed by popular indignation into a false if not a desperate condition. Great Britain has in store large diplomatic resources of legitimate argument, to say nothing of her means of naval annoyance which she has on former occasions unscrupulously threatened and even employed. As—in the first place—I have taken some pains heretofore to demonstrate, Brazil is in the wrong as to the true time of the expiration of the existing treaty. Secondly, it has violated that treaty, so that the true intended exemption of duty beyond fifteen per cent upon English importations was very early grossly falsified, and has now

<sup>1</sup> Despatches, Brazil, vol. 12.



become in fact by repeated violations a dead letter. Reclamations may be made for the amount overpaid beyond the 15 p<sup>r</sup> Cent. Thirdly, as I believe, Great Britain after insisting upon them for a while for diplomatic discussion, and as make-weights, will surrender her ancient right of a special court, and even any restrictive amount of duties, depending upon the good sense of the country that the imposition will not be so large as to defeat its only object, revenge, and upon the interest of other powers conjointly to impress the obvious truth that excessive duties may occasion diminished income. "In political arithmetic two and two do not always make four."

It is too visible, however, that the proximate cause, the impelling irritation that disgusts Brazil with Great Britain, is her conduct in regard to the slave trade and slavery. This country could hardly be presumed to enter voluntarily into the scheme of philanthropy which aims at the entire suppression of this trade, and the diffusion of those broad arguments which include the consequence of the illegality of slavery and its abolition; but this scheme has been forced upon them, and in a way that gives the appearance at least of a foreign government overruling the most domestic concerns, and interfering rather ostentatiously with matters purely local or municipal. . . . The scheme of self-interest attributed to Great Britain is her design of monopolizing or controuling the markets of colonial produce, and making the free labour of her own colonies in the East and West Indies the sole suppliers of these articles, to the destruction of Brazil, of Cuba, and the slave states of the United States. . . .

Pursuing the train of Brazilian thought, even the hypocrisy or politic compliance of English ministers, Whig or Tory, makes the matter worse. There is a sectarian or, if you will, a universal religious fanaticism which, by its very nature, brooks no denial and baffles all resistance; which by system imposes a new moral code on foreign nations, interferes with concerns in every sense interior, and shakes the basis of three quarters of all the property of the country, and this by using servile insurrection, if not as the direct means, yet keeping up the constant alarm of this tremendous calamity by adverting to and predicting it. All these thoughts and discussions have long been familiar and habitual in this country, and have been excited not only by the daily occurrences connected with the suppression of the slave trade, but by the open assertions and enthusiastic declarations of the diplomatic agents of Great Britain. M<sup>r</sup> Ouseley the late British Chargé d'Affaires, who in private life is one of the most amiable of men, on the subject of the slave trade and the abolition of slavery, was conspicuously excessive and extravagant. In a conference with Senhor Aureliano, the Secretary of Foreign Affairs, when the topic of conversation was the probability of a war with our own country and its chances and issues, he vehemently declared that in the event of such a war, the whole of our slave country would be invaded by free black troops, and the abolition of slavery be proclaimed and

enforced. When reminded by S<sup>r</sup> Aureliano of the terrible disasters which must attend such a mode of warfare, and rebuked for uttering in this country language of such dangerous import, M<sup>r</sup> O. abated not in the least his zeal, or in any way retracted or qualified his assertions. I give this as authentic. I had it from S<sup>r</sup> Aureliano himself without any injunction of secrecy, and I think it my duty to communicate it.

I must apologize for dwelling so long upon the subject of the slave trade &c. It renders this despatch disproportionate and unseemly, and appears to be deviating from my purpose; but the truth is that these have been for the last four or five months the engrossing topics of conversation, and a true statement of the political opinions and feelings of this country could not be given without dwelling as I have done upon these matters. Intending in a few days to address you on other topics, and especially in regard to our pending claims against this Government, I remain, Sir [etc.].

## 556

*William Hunter, United States Minister to Brazil, to Daniel Webster, Secretary of State of the United States*<sup>1</sup>

[EXTRACTS]

No. 12

RIO DE JANEIRO, November 8, 1842.

SIR: The only reason why despatches from this legation have not been forwarded with the usual frequency is, that the great object of your instructions and my efforts, the settlement of the Buenos Ayrean prize cases, was so situated that any information in regard to them would have been unimportant, because it could not be certain or definitive. I am happy in being able now to inform you, that the long desired settlement and satisfaction of these claims are apparently about to be obtained. This result has been arrived at more by frequent conferences with the Secretary of foreign Affairs, than by a series of argumentative notes. . . .

I understood him as adverting to the present state of public feeling here—undoubtedly adverse, perhaps unjustly so, to Great Britain. If therefore in the correspondence now submitted, you find some allusions on my part not strictly connected with the main matter, and which good taste and legitimate logic would have excluded, you must pardon them on my confidential assurance, that I deemed them, under circumstances, useful and expedient. It is necessary to raise up in this and every other American country an American feeling, and to announce an American policy, of which, without arrogance, we may and ought to be considered, in a fair degree, as the standard and champion. This has been my effort here in all my conferences, addresses

<sup>1</sup> Despatches, Brazil, vol. 12.

and correspondence; and what I did not find at first, is now a prevalent feeling—viz. a reference to us as the assertors of national rights and honor, as the favorers of a resistance to the European claim of treating the states of America as if still colonial, and as the opposers of the exaction of preferences and the imposition of restrictions without equivalents or reciprocity. Brazilians have a fondness for the thought, that the policy of Britain aims equally at the destruction of our slave-holding proprietors and their own. They imagine a common cause, and rejoice in an informal alliance which obliges us to fight the battle, while they are equally entitled to the fruits of victory. . . .

The question of tariff, mixed up as it is with the question of slavery in the British Parliament—this grotesque junction of profit and philanthropy—amuses while it irritates the Brazilians. They cannot understand what Sir Robert Peel calls the *lure* to be held out to Brazil, to be any thing less than the abolition of slavery to be compensated by a partial relaxation of duties. That is what they deem to be ruin. . . .

I remain [etc.].

## 557

*William Hunter, United States Minister to Brazil, to Daniel Webster, Secretary of State of the United States*<sup>1</sup>

[EXTRACT]

No. 13

RIO DE JANEIRO, *December 9, 1842.*

SIR: . . . Neither France nor England are yet entirely exorcised from the fantasy that America is but an experimental, and, for them, colonial or quasi colonial territory. Our policy is, or, I think, ought to be, in an entirely adverse direction. It ought to be a paramount and permanent policy working by a steady rule, for the gradual relaxation and ultimate destruction of the colonial system of Europe, so far, at any rate, as regards our neighbourhood, and all America is our neighbourhood. The idea of the balance of power in Europe only, ought now to be obsolete. The true system is the balance of power of the world, and this not a military but a commercial balance. In supporting this policy we shall get but poor help from any of the Spanish republics. If it could depend on the personal ability, good will and perfect coincidence of my colleague, General Guido, a great deal might be done. But he represents a gloomy and atrocious jacobin despotism. He is here—a good and great man—only to save himself and family (as I believe) from the jealousy and murderous violence of the monster Rosas. Sarratea

<sup>1</sup> Despatches, Brazil, vol. 12.

The omitted portions relate to the desirability of preventing England from obtaining renewed commercial favors without their becoming available also to the United States.

in France, and Alvear in the United States, for the same reason, are real but honourable exiles. . . .

I have some other matters to write upon, but I am afraid of fatiguing you—and with unfeigned sentiments of high regard and respect, [etc.].

## 558

*William Hunter, United States Minister to Brazil, to Daniel Webster, Secretary of State of the United States*<sup>1</sup>

[EXTRACTS]

No. 16

RIO DE JANEIRO, *January 31, 1843.*

SIR: Contrary to the calculations of some of the political speculators of this place, the legislative chambers assembled at the appointed time in December. The preparatory process of forming the Chamber of Representatives, verifying the elections etc. was completed on the last day of the month, and the new year was ushered in by the junction of two galas—the opening of the Chambers by the Emperor in person, and his reception afterwards at the Palace of the throng—diplomatic, ministerial, legislative, clerical, military etc.—who came to tender the usual congratulations of the season. The speech from the throne was somewhat elevated above the ordinary flatness of such compositions, by allusions to the intended marriage, to the two transient and subdued rebellions of St Paul's and the Mines, and the long continued, and, it is feared, unconquerable one of Rio Grande. This last topic was introduced with some adroitness. The speech says "a certain portion of Rio Grande do Sul has now for more than a year enjoyed the blessings of peace, and I cherish the hope that these blessings will soon be extended to the whole province." . . . The speech afforded matter for serious controversy. . . .

It was said that in regard to the exterior relations of the country, the speech was deceptive. It represented those relations as steady and peaceful, whereas they were in several instances quite the contrary. 1<sup>st</sup> In regard to Montevideo, with which there existed, or ought to exist, serious difficulties, inasmuch as it is well known the rebellion of Rio Grande was fed from that quarter—that not only supplies of arms, ammunition and provisions were furnished the rebels, but the pretended Republic of Piratanim has been at least virtually recognized, and its chief or President negotiated with, and his political and official character acknowledged—and, furthermore, that a large extent of territory bordering on the province of Rio Grande, or making a part of it, the undoubted property of the Empire, was occupied by intruders and interlopers from the Oriental Republic. To talk, therefore, of the

<sup>1</sup> Despatches, Brazil, vol. 12.

preservation of peace at all events—*coute qui coute*—compromiting the honour and dignity of the Empire etc. As to England—was it the intention to make a new treaty with that power, and legalize and render permanent her maritime police of the coasts, the harbours, the bays etc. After having once yielded to British negotiators with a fleet in line of battle and with matches lighted, were we now to yield to an Ambassador Extraordinary and Special, attended by what old Frederic, King of Prussia, called his “yellow hussars”—i.e. guineas. . . .

I foresee the necessity, long and, I am apprehensive, tedious, as this despatch is, of soon addressing you again, and in the interim I remain [etc.].

## 559

*William Hunter, United States Minister to Brazil, to Daniel Webster, Secretary of State of the United States*<sup>1</sup>

[EXTRACT]

No. 18

RIO DE JANEIRO, *March 31, 1843.*

SIR: . . . It renewedly impresses me that the colonial policy of Europe can and ought to be shaken by the strong right and equity of the Brazilian claim. This immense country, destined to be perhaps forever an agricultural one, cannot consent to be restricted as it hitherto has been in its financial legislation, and at the same time be prohibited from the sale of its own productions in those countries from which it imports annually to the amount of six or more millions sterling. And yet it would be a perilous attempt for any Minister, French or English, having reference to Parliamentary management, to vested rights, or, if you please, to class interests, to break down, or even to impair, the colonial monopoly. In some of its aspects this is a new question, and I have thought fit to bring it up this second or third time to your attention, not because you had not long ago pondered it, but because it has assumed an activity and urgency which will have some effect on like questions in most countries, certainly in ours. The colonial policy of England, the necessary consequence of the navigation policy of Cromwell, was extended to its utmost pitch when the genius and patriotism of Canning favoured the emancipation of the colonies of Spain and Portugal, for the purpose of making these the quasi colonies of Great Britain without the expense of their maintenance as such, and without the communication of those benefits which, as ancient colonies connected with their mother country, they were entitled to and had ever enjoyed. You have such information from sources the best and most various, that I only suggest as confirmatory of what, I presume, you have already discerned, that the nations of Europe

<sup>1</sup> Despatches, Brazil, vol. 12.

who possess no colonies—viz. all Germany, all Italy, Belgium &c., are assuming a language here and elsewhere that has a tendency of this sort—"favour us—we can and do admit all your productions freely for sale and consumption—therefore favour us. Let us import at diminished duties, and in your scheme of taxation press on those who are comparatively unkind, selfish and arrogant towards you, or, in other words, who will not, or cannot, relax their inveterate system of colonial monopoly." This language, I understand, has been used boldly by the Sardinian Minister, and with some skill, adroitness and reserve by the Belgian. If this Government had been encouraged to yield to these suggestions, it would, as I think, have embarrassed itself, and subjected itself to all those mistakes inherent in a system of preferences, and inevitably brought about a scene of diplomatic contest and intrigue far from being agreeable or dignified. It would have been an auction of Brazilian favours, where the articles would have been worthless and the competition excessive. . . .

With sentiments of the highest respect and regard [etc.]

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*William Hunter, United States Minister to Brazil, to John Tyler, President of the United States*<sup>1</sup>

RIO DE JANEIRO, May 13, 1843.

MY DEAR SIR: The temporary absence of the Secretary of this legation who has been obliged to retreat into the country for a few days on account of indisposition makes it, inconvenient for me to transmit a public despatch to the Secretary of State. But I cannot suffer Cap<sup>t</sup> Wilson an intelligent and high-minded officer of our navy to depart for home, without requesting for him an opportunity to answer any interrogatories in regard to this and the adjoining countries you may think fit to address to him. Cap<sup>t</sup> Wilson has been here and at Monte Video and Buenos Ayres for a long time and during periods of uncommon interest and excitement. He has improved his opportunities of information, and his opinions may be received as correct and enlightened. I have promised the Secretary—tho it is somewhat out of my sphere I would give him some views as to the present condition and prospects of Monte Video Buenos Ayres and Paraguay. There have been movements on the part of England and soon will be on the part of France as to the last of these countries, which challenge our attention, and which perhaps render proper some proceedings on our part. The death of the Dictator Francia, has opened or will open Paraguay to the influences of com-

<sup>1</sup> Despatches, Brazil, vol. 12.

This document is filed among papers of May, 1842: but the date is clearly 1843.

merce and intrigue. It was as you well know a country more secluded even than China and the sagacious motives that awakened your early and earnest attention to the extension and security of our commercial relations with that country will justify your efforts in opening this untrodden path to mercantile enterprize and skill. I have had a hint from the Agent of Paraguay now at Buenos Ayres that propositions on our part would be at least as favorably entertained as those from any other Nation. As our position with this country is as favorable as we can desire—I feel myself in good standing with the Emperor the Court the Ministers and the People. I am still in hopes that I shall be able to announce to you the allowance and adjustment of all our claims in time for your message to the next Congress. But this country is at once poor and extravagant, tedious and dilatory in its official forms, cautious in promise and slow—very slow—in performance. Wishing you most sincerely honor and success in your arduous career I remain [etc.].

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*Henry A. Wise, United States Minister to Brazil, to John C. Calhoun, Secretary of State of the United States*<sup>1</sup>

[EXTRACT]

RIO DE JANEIRO, August 14, 1844.

SIR: . . . Time has not afforded me the opportunity as yet to obtain any insight into affairs here. But M<sup>r</sup> Proffit, who I must say has shown me every attention and seems to leave here with a large portion of esteem, is returning home immediately, and he can give you a much clearer view of matters than I can pretend to have acquired in so short a time. He tells me that there has been some anxiety for a short time past respecting a probability of war between this country and Buenos Ayres. It arose from rumors, and newspaper paragraphs and from the supposed objects of a visit to Rio by Gen<sup>l</sup> Paz, late Military commander in Monte Video, and from certain indications of Gen<sup>l</sup> Guido, the Buenos Ayrean Minister here, all which M<sup>r</sup> Proffit will best explain in person. The Mediation of England, France and Brazil is, perhaps, sought to end hostilities between Buenos Ayres and Monte Video; and it is surmised by some that the attempt will be made to reannex the latter country to Brazil. Nothing, however, is yet clearly developed, and when the true state of the case is known to me the Department shall be duly advised. . . .

With the assurance of my highest regard [etc.].

<sup>1</sup> Despatches, Brazil, vol. 13.

Henry A. Wise, of Virginia, the writer of this despatch, was commissioned envoy extraordinary and minister plenipotentiary, on February 8, 1844. His mission ended with the presentation of his successor's credentials on August 28, 1847.

*Henry A. Wise, United States Minister to Brazil, to Ernesto F. França, Minister of Foreign Affairs of Brazil*<sup>1</sup>

RIO DE JANEIRO, *September 24, 1844.*

The Undersigned, Envoy Extraordinary and Minister Plenipotentiary of the United States of America, in conformity with the request of your Excellency to have communicated to you in writing certain verbal explanations which he had the honor to make to you in person, now presents as succinct a summary of them as the nature of the subject will admit of, and as full as their importance requires.

The Undersigned informed Your Excellency that he was instructed by the President of the United States to say to this Imperial Majesty's Government, that the mission to which he is appointed is regarded as the most important of any in this hemisphere—That Brazil is ranked by the Government of the United States among the most wealthy, the greatest and most firmly established of all the American powers. That between her and the United States there is a strict identity of interests on almost all subjects, without conflict or competition on scarcely one. That, thus fortunately situated in reference to each other, there should ever be peace and the kindest feelings and relations between them. That to preserve the existing peace, and to cherish and strengthen these present kind feelings and relations, will be the first of the duties of the Undersigned. That, consequently, out of regard to the importance of this mission, to the rank and power and permanency of the Brazilian Empire, to the identity of its interests with ours, and to the perfect peace ever to be cherished between it and the United States, and to give the strongest expression of the highest respect for its good opinion and good understanding; the Undersigned was furnished with a copy of the Treaty negotiated with Texas and the President's Message transmitting it to the Senate for its approval, with the accompanying documents; and he was instructed to embrace some early and suitable occasion to explain to the Brazilian Government the motives which led to the adoption of the measure at this time. He was instructed particularly to make it understand that this treaty originated in no feelings of disrespect or hostility to Mexico, and hence he was necessarily instructed to explain fully the President's convictions as to the views and policy of Great Britain in reference to Texas, especially as they relate to the subject of abolishing slavery there, and to point out the danger to which they would expose the United States, and the necessity it imposed on them to adopt the measure of the Treaty with Texas, as the only one which could effectually guard against it. He was instructed further to impress on the Brazilian Government the conviction that it is the policy of the United States to cultivate the most friendly relations with all the countries on this

<sup>1</sup> Despatches, Brazil, vol. 13, enclosed with Wise to Calhoun, below, this part, doc. 563.



continent, and with none more than Brazil. That it is the most anxious desire of the United States to see them all settled down in peace, under well established governments, and employed in developing their great resources, and advancing in wealth, population, power and civilization, *free from all interference from any quarter in the regulation and management of their domestic concerns.* That it is the established policy of the United States not to interfere with the internal relations of any other country, and not to permit any other to interfere with theirs. That Brazil has the deepest interest in establishing the same policy, especially in reference to the important relation between the European and African races as it exists with her and in the southern portion of our Union. That under no other can the two races live together in peace and prosperity in either country. That the avowed policy of Great Britain is to destroy that relation in both countries and throughout the world. That, if it should be consummated, it would destroy the peace and prosperity of both, *and transfer the production of tobacco, rice, cotton, sugar, and coffee from the United States and Brazil, to her possessions beyond the Cape of Good Hope.* That to destroy it in either would facilitate its destruction in the other. Hence our mutual interest in resisting her interference with the relation in either country, and hence also the importance of each country firmly opposing any attempt on the part of Great Britain to disturb the existing relations between the two races within their respective limits, and of each discountenancing any such attempts in that of the other. And the Undersigned was instructed to avail himself of the occasion to express the satisfaction felt by the Government of the United States at the firm resistance made by the Brazilian Government against the attempt of Great Britain in the late negotiation, to make the abolition of slavery in Brazil a condition on which her sugar should be admitted on an equality in the British market with that produced in the Colonies of Great Britain.

The Undersigned having, in the conversation referred to, faithfully detailed the foregoing instructions with which he was charged by his Government to this; in the discharge of his duty to explain the motives of his Government in the adoption of the measure of the Treaty with Texas at this time, and to explain fully its convictions of the views and policy of Great Britain in reference to Texas, especially as they relate to the subject of abolishing slavery there, and to point out the danger to which they would expose the United States and the necessity it imposed on them to adopt this measure as the only one which could effectually guard against it, proceeded to assure Your Excellency that nothing was further from the motives or true interests and policy of the United States than the design imputed in certain quarters, to acquire either by force or fraud, or by encroachment or conquest, more of the territory or political jurisdiction of the North American Continent than they already possess. He added that, although conscious that the free federal institutions of the United States are inherently competent and

adapted in their very nature to embrace a continent, or as many even of the people of the whole world as may choose to adopt them; although experience has fully proved that the Union of our States, instead of being weakened, has rather been consolidated by the extension of its boundaries and by the increase of its population, and by the multiplied variety of its local interests; although our country, notwithstanding the unparalleled rapidity and extent of its settlements, and its vast enlargement, is actually in a more compact state either for moral or physical action, owing to the wonderful agency of steam power and other causes, than it was when its inhabitants were compressed in the limits of its Atlantic seaboard and did not exceed the one fourth of its present number of 17 millions; and, although the United States, if they were actuated by a spirit of conquest, might probably succeed in any attempt at territorial aggrandizement in North America which ambition even might prompt—yet they are not ambitious to add to their territory or to extend their dominion. They have millions of acres of yet unsettled lands, capable of the productions of every soil and climate, and which will not be thickly populated for centuries. They have room and space enough already in their present limits to perform all their moral obligations to minister to the peace and happiness of mankind; and the great end of their policy for the past and present has been and is, rather than to acquire more domain, to improve and defend the heritage already allotted to them in the earth by a Gracious Providence, whose divine law of Christian morality they never have violated and never will, by acts either of rapacity or fraud against any nation neighbouring or remote. Among other cardinal principles which they have adopted for their defence is first—one which was adopted in their early history, not to form entangling alliances or to meddle with the internal affairs of any nation, and not to permit any foreign interference with their own. Secondly, one which their experience soon taught them was next in importance, to encourage their sister nations of North & South America in the achievement and maintenance of independent governments adapted to the genius of their own people; and, thirdly, in self-defence, to oppose all attempts to subject such of these governments as had obtained or were struggling for independence, to the dominant influence and supremacy of European powers. Governed by these precepts of self preservation, the United States on the first occasions after their own establishment in the family of nations, failed not to recognize the *de facto* sovereignties of the several states of Mexico, and of Central and South America, as soon as their respective revolutions afforded reasonable guarantees of permanent success. And it was in behalf of Mexico herself, among others, that, when the Alliance of European Sovereigns threatened interference against her freedom and independence, James Monroe, then President of the United States, interposed the declaration of the U. S. that *American States should be allowed to govern themselves* independent of the authority of the old World. And from that

day to this, the right to independence has not been denied to American States, nor have the terms of national existence been dictated to them from beyond the seas. Mexico succeeded in her revolution against Spain; in 1824 established the form of a confederated republican Government; whilst unrecognized by Spain, performed all the functions of a Government *de jure* as well as a Government *de facto*; formed treaties and corresponded with the United States concerning the cession of a portion of her then territory comprised within the very limits of the same state of Texas, without undergoing any other probation of sovereignty than Texas has undergone, and she cannot now point to the event, or change, or period which made herself independent, if Texas too is not now by analogy to be considered independent. Successful revolution gave her independence in fact, and time and established institutions, and general recognition, gave her independence of right. Successful revolution, and time, and general recognition, and established institutions, have given also the rights *de facto* and *de jure* to her once province of Texas. The questions, how the revolution of Texas was brought about, and how it came to succeed so well, would be foreign to this explanation, because they were internal affairs of Mexico and Texas with which the United States, upon their own principles, had no right to meddle, but for the fact that the imputation is cast upon the United States of exciting and aiding the revolution by her own citizens. This charge is peremptorily denied, and Mexico's own history fully proves its error. By her own laws, passed at successive periods, she entered upon a systematic policy of colonization in Texas, and invited citizens from the United States to settle that province. It was separated from her by a broad extent of desert lands, difficult of passage by her own emigrants; it was far distant from her own populous parts; it was infested by hordes of the most warlike and hostile Indians; and her own people had not the arts of husbandry to subdue the wild lands, or the arms to subdue the savage foe. She, therefore, offered such lures to settlers from among the hardy frontier population of the United States as to tempt them to leave the soil of their own native land for the rich boons which she held forth by her repeated invitations to settle in Texas. At the time they were thus tempted to forsake the institutions of a free and prosperous country, the strange land of Mexico was made more inviting still, by having adopted, in 1824, an enlightened and liberal confederation of states similar to that of the United States. Texas was a component part of one of those Mexican states, and as such retained, according to a true understanding of the federal constitution of 1824, a relative part of the national Sovereignty, such as any one of the states of the United States now retains under their system of government. After the American emigrants had taken up their abodes in Texas, after their families and fortunes had become fixed in destiny with Mexico, after being tempted to settle her borders and to defend them from the scalping-knife, just as they had sown and reaped and planted their hopes as well as their

crops in that country, a revolution sprang forth in it, not from them, but from the very power and persons in Mexico which now arraign them as rebels. The constitutional Confederation of 1824 was overthrown by the physical force of usurpation; the promise to them of free institutions was broken; the chief glory and only gladness of their new homes were destroyed; and the only hope left to them was that of time and chance for resistance. Not resistance to the regular, the constitutional and lawful free government of Mexico; but resistance to a usurpation which overthrew and destroyed the only lawfully constituted power and the last vestige of liberty in Mexico. Texas alone adhered faithfully to the Constitutional Government. Texas alone held aloft the standard of true National Sovereignty of Mexico; and *she alone became invested with whatever remnant of that sovereignty survived in her true faith to the Constitutional Confederation of 1824.* Those who invaded the province of Texas, then, invaded no less than the lawful sovereignty of Mexico. That was the impregnable national position which Texas at once assumed, and which she maintained successfully in arms. She, in fact, at the battle of San Jacinto, conquered and captured the usurper of the sovereign power of Mexico. Who then was invested with that sovereignty? Not the sovereignty of Texas, but that of all Mexico?—The Province or the State of Texas might well then claim, as she did, the complete investiture of full national power, not as belonging to her *new* so much as to her *old* existence. She has since claimed it as of right, for her new existence independent of her former sister states of Mexico which bowed down their sovereignties before the reign of usurpation. She released General Santa Anna on the condition, doubtless, that his Government *de facto* would recognize and acknowledge her government *de jure*. He passed in safety through the United States back to his seat of power. If he ever made any promise to General Houston, Texas has not yet reaped the blessings of peace in its redemption, though she has fully maintained her independence without its fulfillment. It is true that during this revolution many of the *People* of the United States—some of them under claim of the right of expatriation, a right for which the United States have once declared war, and for which they will ever contend in behalf of their citizens—by impulses the most natural, flew to assist their former countrymen, their friends and their kindred in Texas to battle for constitutional law and liberty. And so extended is the line of the Texas border on the United States, and so accessible from every point to volunteers in her service, that it was physically impossible to prevent their passing the line unless the United States had then maintained a vastly larger standing army than she ever has maintained, or ever ought to establish in time of peace, and unless the whole of that army had been concentrated on the Texas frontier. But it is nevertheless true that the *Government* of the United States did issue its proclamations of neutrality, and observed them too most scrupulously in its orders to its district Attornies and to its Marshals, and in

stationing all the troops which could be spared for the command near the Texas line to preserve the relations of peace and noninterference with both Texas and Mexico. They could no more prevent their citizens from seizing arms and rushing to the aid of Texas, than they could prevent them from assisting the Patriots of the British possessions in the Canadas or of the States of South America. They went to all these foreign wars on their own responsibility, and at their own risk, and without the countenance or connivance of their Government. The Government of the United States stood aloof from the contest, and left Mexico unmolested and unobstructed to pursue her attempt to subjugate the province of Texas. Events proved how vain that attempt was. The Texans—volunteers from the U. States and all counted—against immense odds in number and discipline of troops, overwhelmed the Mexicans with defeat, and entirely crushed all general or regular invasion from that time to this. After the decisive battle of San Jacinto, the U. States did not hesitate to recognize Texas; and so has England, and so has France, and so have other powers since recognized her as independent. Thus revolutionized and thus invaded; having thus decisively achieved the victory of the laws and liberties of *Mexico herself* over the usurpers of *her* sovereignty, and being thus recognized as an independent sovereignty, either by derivation of *right* from the constitution of 1824, or *de novo in fact*—it matters not which—Texas almost immediately, by a nearly unanimous suffrage of her people, actually polled, offered to incorporate herself into the Federal Union of the U. States by treaty or act of cession. To have accepted this cession in the first instance, would have been on the part of the United States but the most natural act of a mother in taking back to her bosom her abused and oppressed offspring; and if the U. States had sought the acquisition of Texas for its own sake, and for their selfish aggrandizement, they would, surely, have availed themselves of that favorable moment. But no: they subjected all natural affections to the control of state policy; and knowing that however justifiable might be the act of cession, it would be imputed to improper motives; and wisely preferring in fact an affiliated independent Republic on their South Western borders, to additional territory; they abstained from the acquisition; and left the *de facto* independence of Texas, if *de facto* independence merely it was, to be matured and perfected into *de jure* independence by the establishment of permanent institutions, and by the probation of time and of continued war. This was in the year 1836. And what has since transpired in her history?—She has organized a well regulated government, less fluctuating than that of Mexico; she has established treaties and commercial relations with the principal powers of the world; she has been free from invasion by Mexico for eight years; she has in fact twice invaded Mexico, instead of being invaded by her; and the hostilities between them have notoriously descended so far below the dignity of real *war*, as to be worthy only of the name of mere border feuds, characterized by no mark of

humanity or civilization, and so barbarous and savage as to have become an actual nuisance to their neighbours, and disgraceful to the family of nations permitting its continuance. Mexico is torn by intestine troubles, is deeply in debt chiefly to Great Britain, and exhausted her power of subjugating Texas in her very first expedition. Texas was very small and weak in resources at first; has now not more than about 100,000 population to bear a public debt of from ten to, perhaps, twenty millions of dollars; and her continued war with Mexico cuts her off from the fruits of foreign commerce, from the sale of her domain, and from all other resources to relieve her from direct taxation. The constant threats of Mexico keep her productive classes in continual armor. In a word they are both exhausted, and each is powerless without foreign aid or intervention, to accomplish any grand result tending either towards conquest or a termination of hostilities; and neither will yield. In this condition of the two countries, the U. States most disinterestedly proposed to England and France a joint mediation to effect their peace. The former declined the proposal for a joint, but immediately entered upon a separate intercession, and alone brought about the armistice between them. Prior to this event, which afterwards in its development became significant, the U. States Government began to understand from various quarters the action and motives of England in reference to Texas. Many sources of intelligence, private and public, confirmed the President of the U. States in the conviction that England was meditating and endeavouring to effect certain ends which would not only subject the policy of both Mexico and Texas to her influence and views, but be directly and alarmingly detrimental, both internally and externally, to the most vital interests of the United States themselves—In fact, that the chief aim of England's movements was to destroy the institution of Slavery in the Southern States of the Union, to strike a fatal blow at their production of sugar and cotton for the benefit of the trade of her own colonies, and thus, and in other ways, to weaken their power of national defence in time of war. The evidences on this point are too numerous and minute to detail. But it is sufficient for the present purpose to adduce that the President understands the Earl of Aberdeen as officially since acknowledging what the President was informed of before the treaty was made, that England had interposed to arrange the armistice between Texas and Mexico, that it was desirable on the part of England that Texas should abolish slavery as a condition of her peace and independence, that England would do all in her power by such means as she deemed lawful and proper to abolish slavery throughout the world, and that her objects were "purely commercial". Information of these designs, and the further information and belief that England's *modus operandi* would be by her intercession to procure the acknowledgment by Mexico of the peace and independence of Texas by the latter paying to the former a given sum equal at least in amount to the slaves in Texas (about 12000) on condition

that Texas would emancipate her slaves; and that England would guarantee her boundary and independence, and assume her debt to Mexico on condition of certain commercial equivalents which would favor the trade of Great Britain in her ports; This, or some similar arrangement, would

1<sup>st</sup> Abolish slavery in Texas.

2<sup>d</sup> It would interpose a perpetual barrier against annexation or cession by Texas to any other power.

3<sup>d</sup> It would give England the monopoly of her trade and the controul of her measures.

And what would be the effect of all these results on the United States?

It is hard to tell what evil to them it would not engender and put into immediate and malignant action. By looking at the map of North America and seeing the relative location of Texas and the slave-holding and cotton & Sugar growing states of the U. States, no one could fail to remark the natural consequences almost certain to ensue. The United States have among their population of 17,069,000, slaves to the number of 2,487,455; the whole of these are located in the Southern and South Western States; two of these South Western States and the Indian Territory of the U. States, are co-terminous with Texas for from 600 to 800 miles; and emigration and access are easy from the four states of Louisiana, Arkansas, Mississippi and Missouri, which contain no less than 442,088 slaves, and also from the Indian Territory in almost juxtaposition to Texas. All the sugar of the U. States is grown in Louisiana, and all the cotton is grown in the Southern and South Western states. The sugar and cotton plantations of the South West, particularly those neighboring to Texas, are the chief markets which support the price and value of slaves. And Texas and the South Western frontier of the U. States are populated by innumerable tribes of Indians, most of whom are wild, untutored and warlike, and many of whom are savage and hostile, and who range through trackless prairies which abound in herds of buffaloes & all other game for their provisions, and who have inaccessible mountains in their background to fly to refuge in case of pursuit. Such is the geographical and such the civil and social relation of the U. States to Texas. And from it is deduced:—

1<sup>st</sup> That the abolition of slavery in Texas would at once greatly impair and finally utterly destroy the institution of slavery in the United States. To abolish slavery in Texas under the regulation of England's policy which declares that a slave, fugitive or otherwise, shall be free the moment he sets his foot on her soil, and which makes her colonial possessions in Canada, though hundreds of miles distant from the nearest slave state in the U. States, the asylum for fugitive slaves from the U. States at the rate, as is computed by the Abolition Societies, of 1000 per annum, and which has refused to deliver up and afforded protection and a place of refuge to <sup>6</sup>slaves who have even mutinied and cut their masters' throats, on board an <sup>7</sup>American ship and

sailed into her port—would be at once to make Texas a territory of refuge to the slaves of the U. States, escaping either from bondage or from crime.

This would render slave property so precarious as to destroy its value in the Chief Cotton & Sugar plantations of the U. States, and consequently destroy its value throughout the whole country dependent on them for the only market where slaves command a considerable price. And to destroy slave property is at once to destroy the production of cotton and sugar both in Texas and in the U. States, for they can be produced only by slaves.

2<sup>dly</sup>—It is obvious also that the control of Texas by England, and the destruction of slavery and its products of cotton and sugar in Texas & the U. States, would incalculably strengthen Great Britain and disable the U. States in case of war. The export of cotton to England is the peacemaker, in the first place, between her and the U. States. Her operatives would become starving insurgents without the subjects—matter [*sic*] of labor sent to her from them. As long as she is thus dependent upon the U. States for security at home from her rebellious paupers, the U. States need not apprehend wrongs tending to war.—Again, it is the wealth and medium of exchange of the U. States in her foreign trade with England, and it is the raw material at home which supplied the domestic factories which so successfully rival her manufactures throughout the world. She would of course strike from under the U. States this basis of independence, of security for peace, and of wealth, and thereby aggrandize the wealth and power and monopoly of her East India Colonies, to the slavery of which her philanthropy does not extend. Philanthropy is for the Atlantic and West, Commerce for the Pacific and East, Monopoly for England. England would not make Texas her colony or province, if she could; but she prefers to make her a dependency and protégé, because then she would not have to bear the expense of her government and would not be responsible for her acts; at the same time she would obtain all the advantages which she could expect from her in a colonial state. But to make Texas her dependency would lay the U. States open to her invasion through the medium of Texas, along a frontier very difficult to defend, in immediate contact with the mouth of the Mississippi which is the key to a trade of at least 80 millions of exports now, and is the *mare clausum* to the waters of the richest and largest and destined soon to be the most populous portion of the U. States—the Great Valley of the Mississippi—without which the acquisition of Louisiana would be comparatively worthless. And all this dangerous power, too, to be placed not only at the most tender point, but at a point surrounded by savages which England has never failed to employ in her wars against the U. States, and filled with negro slaves of the worst character in the country fit for the incendiarism of England's mighty Abolition Societies which hold World Conventions in London, a philanthropic parliament at Exeter Hall, and which have doubtless, had a much larger influence with the British Cabinet in reference to this Texas question



than they are willing to acknowledge, and which are doing much mischief with their secret golden influence in other countries besides the U. States, against the laws of nations, for which England is not willing to be held responsible. The truth is that if England had succeeded in thus making Texas her dependency and a point of imminent danger to the U. States, she would have completed a cordon of power which she has steadily been forming around the United States from their earliest existence. She has the Canadas on the north; her possessions in the North West occupied by her Hudson's Bay Company and claiming U. States territory Southward indefinitely; on the East, New Brunswick and Nova Scotia, and her naval power on the Atlantic; on the South East she has converted the island of Bermuda into a Gibraltar for the command of the outlet of the Gulph of Mexico, and South she has her West India Islands. She has ever been aiming to obtain possession of Cuba; and it is said, and it is thought correctly, that she is at this moment striving to obtain from Mexico a cession of California. To have made a lodgement of power in Texas would have completed her chain of position and influence which would have wound round the U. States the coils of an Anaconda from which there was no escape but in death. The U. States would have been allowed no peace. If peace; in peace, nothing but submission, sacrifice and dishonor; if war was forced upon her, in war nothing but disaster and defeat.

3<sup>dly</sup> The subjection of Texas to English power and policy, located as she is, would make it impossible for the U. States ever duly to enforce her revenue laws, and to collect her tariff of duties upon English goods. England prohibits every article from the U. States which she is not obliged to take, and taxes every article which she does take from them most onerously. The U. States have been obliged to lay duties on her products not only for revenue but for protection. The long line of Texas border, indented by a thousand rivers and passes, in a new and sparsely populated country, would afford every facility and temptation among frontier settlers, to greatly impair if not to destroy the effect of our revenue and protective laws, and to introduce English goods by smuggling ad libitum. This would inevitably be the effect of any thing like a reciprocal free trade with Texas, whilst a restrictive and prohibitory system with the U. States would be persevered in by England.

4<sup>thly</sup> The perpetual guarantee by England of the *Independence & boundary* of Texas, would forever deprive Texas and the U. States of the power by cession, or treaty or otherwise, to escape from these British toils. Texas could never be permitted to merge her separate existence, her distinct boundary and title of territory, under any circumstances hereafter, however oppressive they might be, in those of the U. States. After allowing England the lion's share of such a treaty with Mexico, to attempt a union with the U. States, or any other power, would be to raise a question of war, not with Mexico but with Great Britain. The U. States would shrink no more from

war with the one power than from war with the other; no more from war with England, than England would from war with her, whenever good causes might justify its necessity; but the meaning of the undersigned is, that now Mexico has no just cause of war; then, in case of the English guarantee and treaty with Texas supposed, Great Britain would have just ground for resisting by arms any union thereafter of Texas with the U. States. It would be to interpose a legitimate obstacle and perpetual barrier to a measure which even might be wise and desirable and justifiable hereafter, if it is not now, in the policy of the U. States, and a barrier backed too by the most formidable power on earth, when there is no such obstacle or barrier existing now in the rights of one of even the weakest powers on earth.

5<sup>th</sup> The last but not the least bad effect upon the U. States would be, that their settled American policy first adverted to in this explanation, would be entirely subverted. England would have subjected Texas, an independent North American state, to her supremacy and domination. England would in fact have so modified and limited the sovereignty of Texas as to have controlled it by her power; leaving her nationality alone unimpaired, she would have made her a dependency without charge for her debts and expenditures, and without responsibility for her acts; and England would have interfered with and obtained a control and influence over the external and internal affairs and interests of the United States, of the most vital importance, to a degree incalculable, and the most obnoxious, offensive, weakening and oppressive.

In apprehension of all these baneful consequences to the peace and prosperity of the United States, from this new and changed aspect of relations with Texas, their government felt itself bound, as guardians of the country's *defence*, to propose or to accept the measure of annexation as the only one left to avert dangers so alarming and so threatening, and one to be entered upon at once without hesitation or delay. If Mexico could have reconquered Texas; or, if Texas could probably have held out against the tempting terms of peace proposed to her by Great Britain, and could have maintained an unshackled and sovereign independence; if European interference had forborne its arts and influence; if the U. States had not themselves been endangered; they would willingly have preferred to stand aloof, except so far as to interpose their friendly offices to mitigate the horrors of war and to promote peace, and would have left time and events to determine the contest between Mexico and Texas. But when they could no longer shut their eyes to the fact that the most powerful government of Europe and the world, that England with all the watchfulness and wisdom of her diplomacy, with all her lust for universal dominion, with her philanthropic zeal for universal emancipation of slaves, with her "purely commercial views," with her gold and her immense naval power, with her jealousy of the growing grandeur of the U. States and her inveterate opposition and prejudice to American

interests, had waited until two American states were both fairly exhausted by protracted war and revolution, until one of them was largely indebted to her and the other was overburthened with loans, to avail herself of their weakness to secure to herself, by separate intervention, all the advantages of their peace, to the perpetual injury of their neighbors and friends;—when the U. States saw that England was about to strike a blow at *her* own domestic institutions—at *her* revenue laws—at *her* commerce and manufactures—*her* cotton—*her* sugar—*her* power of preserving peace—*her* power of defence in war;—when they began to entertain a suspicion even of this, they could no longer pause for the dilatory movements of powerless Mexico & of struggling Texas, but were bound to act in the majesty of their own strength, and truly like the young Sampson of North America, to burst the cordon of power with which England was preparing to bind their strength. Without hostility to Mexico, without fraud and without force, without an ambitious motive to aggrandize their power or to increase their territory; but with the most disinterested friendship to American supremacy in America at least, which neither Mexico nor Texas were likely to maintain, they were compelled to resort to the measure of annexation, with the free and full consent of Texas, on the purest principles of natural and of national law—of self-defence and self preservation.

The Senate of the U. States has since seen fit in its wisdom to reject the treaty of Annexation. It is not proper for the undersigned to discuss the reasons of its rejection; they are of a character entirely domestic to the U. States. And the Undersigned is not instructed to say whether negotiations for the same end will be renewed or relinquished by his Government. But he may congratulate his country, at all events, if the mere attempt of this measure will have the effect to break the spell of English diplomacy over the North American Continent, and to warn all American states, North and South, of the influence still sought to be established by Europe over their destiny, and of the means whereby it is to be exerted and perpetuated.

The Undersigned, begging pardon for the length of this despatch, takes pleasure [etc.].

## 563

*Henry A. Wise, United States Minister to Brazil, to John C. Calhoun, Secretary of State of the United States*<sup>1</sup>

[EXTRACTS]

RIO DE JANEIRO, *October 11, 1844.*

SIR: . . . Several weeks ago, it was communicated to me that a few days previously to the 10<sup>th</sup> of Sept<sup>r</sup> when Capt<sup>n</sup> Voorhes [Voorhees] sailed for the La

<sup>1</sup> Despatches, Brazil, vol. 13.

Plata, the English Commodore Purvis requested him/Capt<sup>n</sup> V./to take sundry stores to the English squadron at Monte-Video, assigning as a reason for not sending them by the English ship America, Capt<sup>n</sup> Gordon, which had lately sailed from this port, that it was desirable she should not stop or be delayed on her passage around the Cape Horn, as that ship was to join the English squadron in the Pacific as soon as possible, in the expectation that a treaty would be concluded immediately between England & Mexico whereby the latter was to cede to the former the country of California. Certain it is that Capt<sup>n</sup> Voorhes took the stores, and Mr. Hamilton expressed his acknowledgments of the kindness to my Secretary, Mr. Walsh. But hearing that Capt<sup>n</sup> Voorhes had himself written home what was said to him by Commodore Purvis, and not trusting to the truth or probability of what thus carelessly fell from that high functionary, I have omitted until now the mention of the circumstance of this rumor. I should not, however, be surprised if, notwithstanding England's horror of the cession by Texas, she should make it the pretext of a cession by Mexico. . . .

There are no developments as yet of a disposition on the part of Brazil to open new negotiations with any of the Powers. No intimations have been given me, except that it will be impossible for England ever to obtain another treaty so favorable as the last, and all nations will probably be placed upon an equal footing. The U. States, at all events, have no reason whatever to apprehend any injustice from Brazil.

With the highest regard and esteem [etc.].

564

*Henry A. Wise, United States Minister to Brazil, to John C. Calhoun, Secretary of State of the United States*<sup>1</sup>

[EXTRACT]

RIO DE JANEIRO, *October 11, 1844.*

SIR: The accompanying papers will show you what I have been doing in the business of this mission. The paper marked—N<sup>o</sup> 1 is a copy of the letter which I deemed it my duty to address to the Gov<sup>t</sup> of Brazil on the subject of the Texas treaty.<sup>2</sup> I trust that, neither transcending nor coming short of your instructions, it will meet with your approbation. The subject was difficult for me to manage after its change of aspect since my departure from the U. States. To some my letter may appear to partake of the tone of the partizan against Great Britain. In the sense of a partizan of American interests and influence, in opposition to those of England or any other Euro-

<sup>1</sup> Despatches, Brazil, vol. 13.

<sup>2</sup> For this very remarkable, long document, see above, this part, doc. 562; and for the instruction under which he was acting, see above, pt. III, doc. 460.

pean power, I am willing that it should so appear. There is no doubt but what sympathy enough with that feeling is to be found in the Government and among the people of Brazil. Their partiality to the U. States is apparent, and no less manifest is their distrust of Great Britain. M<sup>r</sup> França, Secretary of State, in my personal interview with him did not withhold the expression of his approval of the measure of the treaty with Texas by the Gov<sup>t</sup> of the U. States. . . .

With the highest consideration and respect [etc.].

## 565

*Henry A. Wise, United States Minister to Brazil, to John C. Calhoun, Secretary of State of the United States*<sup>1</sup>

[EXTRACT]

No. 7

RIO DE JANEIRO, November 1, 1844.

SIR: . . . I submit with all deference that an instruction to me, drawn in rather peremptory terms, and calling for prompt decision and settlement would have a good effect in favor of our claims, if based on some such flattering ground as a disposition to remove every obstacle to still closer relations with Brazil. I say this the more confidently, because the turn given to this conversation by M<sup>r</sup> França himself, more than intimated a wish for a stronger connexion with the U. States than any which has ever yet existed. I cannot in this letter detail our conversation fully, and I do not know that I exactly comprehend the precise end of certain enquiries he addressed to me. Besides other questions of less importance, he asked me directly:—What the U. States would do, in conjunction with Brazil, for the protection of American interests and policy generally, and to prevent the intervention of Europe in American affairs?—I replied that I was neither prepared nor instructed to answer any specific meaning of his question, if he designed it to signify any thing beyond general relations. But in the general, I was at all times prepared to say, both as an American citizen & Minister, that the U. States were always ready & willing, as they ever had been, to protect and cherish American interests and policy, both for their own sake and as opposed to those of Europe; and that to do so most effectually, the first precept of their policy was to enter into no entangling alliances. They had been eminently successful by freeing themselves from all treaties that would necessarily involve them in the differences and difficulties of other nations, or that would cramp their energies or contract their resources at home, and they had by wise internal regulations

<sup>1</sup> Despatches, Brazil, vol. 13.

Wise's previous despatches, discussing matters pertinent to this publication, bear no serial numbers.

so strengthened & magnified themselves as now to have become by their very existence a strong defense of American interests and policy. And this course they would not fail to commend to every state in North & South America. They should first make themselves entirely free & independent of Europe—free from the bondage of their debts, from their treaties, their alliances & wars, and as independent as possible of their trade and the necessities of their social and political condition. That American states should favor each other in all respects, rather by interchange of good offices and by mutual regulations at home to unshackle trade, to encourage science, letters, & the mechanic arts, to promote and even to *compel* peace among themselves, to insure & secure the just & prompt administration of their international rights, to encourage commerce, to facilitate emigration & immigration with the rights of expatriation, to protect the freedom of the seas, and to maintain neutral rather than belligerent rights, and to improve, at every expense & trouble, their own agriculture, and their own internal communication, and to encourage & foster their own industry. He immediately referred to the instance of the war now existing between Monte Video & Buenos-Ayres, annoying every other nation & weakening themselves. He said Monte Video was so reduced as to be knocking at the doors of England & France for assistance, and asked whether the U. States would not unite with Brazil in putting an end to that war by force, if necessary, rather than permit England or France to interpose and acquire a dominant influence in the Platte [Plata] country? I said that the U. States had long ago assumed & acted on the policy to prevent European intervention in the wars of North America, and they had once interposed to protect South American states; and I had no doubt but that they would approve of the same course on the part of Brazil in this instance, and would interpose their own good offices to arrest the war of Monte Video & Buenos Ayres. I added that I would ask for instructions what to say on the whole subject. Already has the blockade of Monte Video involved our Navy in the very unpleasant necessity of capturing the whole Buenos Ayrean Squadron. The conduct of Capt<sup>n</sup> Voorhes in that affair has not only been universally approved, but is rejoiced at here, so weak & irregular is the blockade, so futile are the means to enforce it, so wanton is the whole war and so ridiculous & at the same time so uncivilized is the mode of conducting it. In fact it is a purely personal contest between Rosas & Rivera, of unmitigated revenge and unbridled ambition, equally injurious to American interest and dishonoring to the American name. It has no prospect either of speedy termination. Rosas would not be favorably impressed with the interposition of Brazil, because the latter is suspected, unjustly I believe, of a design to acquire Monte Video. England as the former mediator between Brazil & Monte Video is bound to guarantee the independence of Monte Video, and this guarantee is a basis for her intervention now, which Brazil is desirous to prevent. The U. States is, therefore,

looked to as the power whose interposition would be regarded the most favorably by all parties, and would probably be the most successful. Indeed I have been appealed to from various quarters, to know why the U. States would not interpose their good offices, by remonstrance or otherwise, against this war. Rosas has formerly disapproved of the conduct of the Commodore of his squadron, has exculpated Capt<sup>n</sup> Voorhes from all blame, it is said, [A footnote, referring to this, reads: "I am just better informed that this is a mistake." Editor.] and would listen gladly to terms for peace coming from the U. States. M<sup>r</sup> Brent is there now and might be empowered to mediate. Or, as has been suggested, I might be instructed to accompany a special agent from this court. I seek no such additional duty, but if it is thought best to adopt that mode, in case any be adopted, I would cheerfully consent to take upon myself the mission. It would take but a short time, about forty days, to go down to the river, do all that could be done, and return. But these are mere suggestions which I submit to the better judgment of the Department. My main object is to impress the idea that a direct intimation has been made to me here, that the opportunity is now afforded for the U. States to manifest a leading interest in South American affairs, and the wish is openly expressed for them to do so much to their advantage. How far it is their policy to do so, and by what mode, the President will, doubtless, rightly judge. . . .

I have the honor [etc.].

## 566

*Henry A. Wise, United States Minister to Brazil, to John C. Calhoun, Secretary of State of the United States*<sup>1</sup>

[EXTRACTS]

No. 8

RIO DE JANEIRO, *November 13, 1844.*

Sir: . . . We have heard nothing certain from Monte Video lately, but the rumor is that the blockading squadron having admitted English, French & Brazilian vessels with the understanding that they were not to take in contraband articles, Capt<sup>n</sup> Voorhes notified the Buenos Ayrean Commander that he was no party to such understanding and would not consent to a partial blockade. That, if French, English & Brazilian or any other merchant vessels were admitted, those from the U. States should be allowed to enter. And, insisting upon & enforcing this point, the U. States Merchantmen were admitted and the blockade was consequently broken up. The rumor is, also, that the blockading squadron having fired at a boat of the frigate Congress with the U. States flag hoisted, whilst fishing, Capt<sup>n</sup> Voorhes fired in return two of his guns at the vessel aggressing. A letter from M<sup>r</sup> Watterson to me, dated Oct<sup>r</sup> 24<sup>th</sup>, says that there is no more pros-

<sup>1</sup> Despatches, Brazil, vol. 13.

pect of a termination of that war in the Plata than when he first sat his foot on the shores of S. America. He adds "it is a most savage struggle and conducted in a most savage manner," and no one can form a correct opinion as to what the result will be. M<sup>r</sup> Brent had not then arrived. The Corvette Boston is now here.

With the highest respect [etc.].

## 567

*Henry A. Wise, United States Minister to Brazil, to John C. Calhoun, Secretary of State of the United States* <sup>1</sup>

[EXTRACT]

No. 9

RIO DE JANEIRO, *December 14, 1844.*

Sir: The last Despatch from the Department, of a copy of the letter addressed to M<sup>r</sup> King at Paris on the subject of our relations with Texas, was duly received;<sup>2</sup> and I shall omit no proper occasion to impress its views upon the persons of this court, and upon others within the sphere of my action and correspondence whose favorable opinions & influences it may be desirable for the U. States to have in respect to them. . . .

With the highest personal regard & official respect [etc.].

## 568

*Henry A. Wise, United States Minister to Brazil, to John C. Calhoun, Secretary of State of the United States* <sup>3</sup>

[EXTRACTS]

No. 10

RIO DE JANEIRO, *January 12, 1845.*

SIR: . . . The Emperor is himself too young to control state-affairs, & the problem is who can influence those who influence him. His present Cabinet is decidedly liberal, not to say constitutional, or republican, or democratic, in its sentiment & feeling, and well disposed towards us; but the Emperor is suspicious of the jealousy of those who are of the old régime, and the Cabinet has to be cautious not to alarm ancient prejudices too much by manifesting

<sup>1</sup> Despatches, Brazil, vol. 13.

<sup>2</sup> No such communication is recorded in the volume containing the instructions addressed by the Department of State to the legation in Brazil, nor is there any reference to it. The communication to King, at Paris, referred to, is probably the long instruction of August 12, 1844, to him, on the subject, though there was a brief one addressed to him, on August 26, 1844, on the same subject, for both of which see, below, the volume and part containing Communications to France.

<sup>3</sup> Despatches, Brazil, vol. 13.

Omitted portions discuss England's attitude toward slavery and the slave trade, and especially England's interference with the United States in such matters.



any extraordinary zeal to favor the U. States. An *American* policy is a favorite topic with those whom I meet. That means with them what I would have it mean. The U. States & Brazil are the two elder states of North & South America, and are in a moral sense responsible for the whole family of States in the New World. They urge upon me the interposition of the U. States in the affairs of Monte Video & Buenos Ayres—my invariable reply is, that Brazil has precedence of friendly offices or of interposition in South America; the U. States has enough to do to protect American policy in the North American Continent. Then, the understanding the U. States should have with Brazil is, that each will preserve its complete independence of Europe; neither should yield any thing unequal in commerce or navigation, or in taxation for revenue, and both should firmly defend their institutions from foreign interference. They seem to comprehend this, & especially that it is in all respects to their *interest*, if not to favor, not to impair the good understanding with us. . . .

The affairs of Monte Video and Buenos Ayres remain in statu quo—not ante bellum, but in the same state they have been in ever since the war began. I trust that our Gov<sup>t</sup> will attach no blame whatever to Captain Voorhees for his conduct in the La Platte; & that the reply to Rosas will be that Comd<sup>re</sup> Turner has, by restoring every thing to B. Ayres with proper explanations, made ample atonement. It is absurd to talk to those near the scene of that war, of further reparation to belligerents who deserve the name rather of buccaneers banded for murder & piracy under civilized forms. I repeat, that war ought to be arrested. Our Consul, M<sup>r</sup> Hamilton, has justified Capt<sup>n</sup> Voorhees. The action of Comd<sup>re</sup> Turner was taken under my advice. My view was that *Capt<sup>n</sup> Voorhees* had treated *Capt<sup>n</sup> Filton & Gen<sup>l</sup> Oribe* as they deserved, but *Comd<sup>re</sup> Turner* had to deal amicably with *B. Ayres*. This he has done, & they should be satisfied. . . .

With the highest regard and esteem [etc.].

## 569

*Henry A. Wise, United States Minister to Brazil, to John C. Calhoun, Secretary of State of the United States*<sup>1</sup>

[EXTRACT]

No. 12

RIO DE JANEIRO, February 25, 1845.

SIR: . . . In a short note of Jan<sup>y</sup> 21<sup>st</sup> M<sup>r</sup> Brent<sup>2</sup> inclosed to me the copy herein sent of a letter of instructions from the Gov<sup>t</sup> of the Argentine Con-

<sup>1</sup> Despatches, Brazil, vol. 13.

<sup>2</sup> Not included in this publication. Its contents are here sufficiently explained. For the Argentine Government's order of January 11 which it enclosed, see above, vol. 1, pt. II, doc. 130, note 2, p. 252.

federation to Admiral Brown, Commander of their squadron off Monte Video, dated Jan<sup>y</sup> 11<sup>th</sup>, directing a strict blockade of that place & Maldonado. By a letter from our Consul at Monte Video received at the same time, I was informed that on the 15<sup>th</sup> of Jan<sup>y</sup> Admiral Brown notified the Commanders of the foreign ships of war on that station, that he had received orders from his Gov<sup>t</sup> to enforce a rigorous blockade of Monte Video & Maldonado, to take immediate effect, allowing to the 20<sup>th</sup> of Feb<sup>y</sup> for the departure of vessels in port. But it appears that the French Admiral refused to recognize a rigorous, or any modification of the previous partial blockade, until he received other instructions from his Gov<sup>t</sup>. And, although the British authorities acknowledged the belligerent right of the Argentine Gov<sup>t</sup>, Sir Thomas Paisley notified Admiral Brown that inasmuch as the recognition was not general, he would not suffer British vessels to be molested beyond the tenor of the original modified blockade. Our Commander, Pendergrast, it seems by his letters to Commodore Turner, has notified that he too will not recognize a partial blockade; and the blockade of M. Video & Maldonado has in effect ceased. The inclosed is the Memorial<sup>1</sup> of the English merchants to the Officer in command of the British squadron. But the three sealed letters from M<sup>r</sup> Hamilton himself will, I presume, put you in possession of all the information respecting the war of the La Platte [La Plata], except a flying piece of news which has just reached us here from England & which seems to be worthy of observation. Commodore Purvis, in command of the British squadron here, has, undoubtedly, been notified by his Gov<sup>t</sup> of a very large amount of naval supplies sufficient for several ships of the line for a considerable time; and it is also true that Great Britain has fitted out a fleet of medium size & small vessels for this station. The rumor is that this fleet is to enforce the interposition of England to arrest further hostilities, and to compel peace, upon the terms which she has determined to dictate, between Buenos Ayres and Monte Video, *and to open the trade of the river Paraguay to its sources*. If this be so, it is a most important movement, and the great interests of the U. States in this peace & its consequences, and in the trade of the Platte & its tributaries, ought to be looked after immediately. But this movement is said to have a double aspect. M<sup>r</sup> Slacum, our former Consul here, has been for sometime intimate with and residing near to M<sup>r</sup> Samo, the English Commissioner of the Mixed Commission near this court. M<sup>r</sup> Samo allowed him to examine the correspondence, in printed form, of M<sup>r</sup> Hamilton & Lord Aberdeen respecting the slave-trade as carried on between Brazil & Africa. M<sup>r</sup> Slacum found in a late letter from Aberdeen to M<sup>r</sup> Hamilton, a most significant remark to this effect:—"The Gov<sup>t</sup> of H. M. is now fully convinced of the bad faith of the Imp<sup>l</sup> Gov<sup>t</sup> in respect to its treaty obligations upon the African slave-trade, and is determined to fulfill the terms & stipulations of the treaty with Brazil for its suppression, *inde-*

<sup>1</sup> Not included in this publication.

*pendently by its own means and in its own way."* I do not pretend to give the *very words*, but this was the substance. M<sup>r</sup> Slacum was struck by the sentence, and, reading it aloud in the hearing of M<sup>r</sup> Samo, that gentleman, as if about to reveal something and suddenly checking himself, said:—"Will you be here in April?"—"Why?"—said M<sup>r</sup> Slacum—"If you are here then, *you will see some fun.*"— This was all that was said, but taken in connexion with the letter of the Earl of Aberdeen, much more was intimated. In a word, he understood Samo to intimate, pretty plainly, that England would assume to seize & capture vessels engaged in the slave-trade under the Brazilian flag, in the waters of Brazil, and that she would assume to enforce the treaty everywhere and at all hazards. And this would be done, and the debt due England of 5 millions sterling would be pressed, to force another general treaty on England's own terms. If these conjectures be well founded, the U. States ought, by all means, to have an active & intelligent agent on the spot, to look after their interests in the Platte Country. M<sup>r</sup> Hamilton is but a Consul at Monte Video, and it is natural to suppose has imbibed somewhat the Monte Video views of policy; and M<sup>r</sup> Brent is in such a bad state of health that he cannot be expected to be so efficient as is desirable. There ought, therefore, to be immediately, appointed a diplomatic or commercial agent of some sort to confer, impartially, with both the Monte Videan & Buenos Ayrean Govt<sup>s</sup>, to secure for us by negotiation or arrangement, the benefits of trade to be obtained by any nation who may interpose for the peace of those countries. . . .

I am, with the highest respect & esteem [etc.].

## 570

*Henry A. Wise, United States Minister to Brazil, to James Buchanan, Secretary of State of the United States*<sup>1</sup>

[EXTRACT]

No. 14

RIO DE JANEIRO, *March 28, 1845.*

SIR: . . . I am pretty credibly assured that England and France will interpose in the war of the Platte, at the instance of Brazil. The U. States' interests there ought to be looked after. England is sending out a considerable fleet for this station, and our naval force here ought to be increased. I apprehend difficulties between England & this country on various subjects of difference.

Very respectfully [etc.].

<sup>1</sup> Despatches, Brazil, vol. 13.

## 571

*Henry A. Wise, United States Minister to Brazil, to James Buchanan, Secretary of State of the United States*<sup>1</sup>

[EXTRACT]

No. 16

RIO DE JANEIRO, May 1, 1845.

SIR: . . . This letter is so long that, inasmuch as it is filled with the detail of subjects in "pari materia," I will leave other subjects of more general interest to a separate despatch accompanying this. There will be enough in the two to convince you that I am not idle here. But, Sir, permit me familiarly to beseech you not to allow the mass of matter, or my prolixity, to deter you from giving the subject of the slave-trade your serious attention. You may rely on it that England is determined upon taking some decided action upon it both with this Gov<sup>t</sup> & in reference to our flag, which may involve us in difficulty without timely action on our part. . . .

I have the honor [etc.].

## 572

*Henry A. Wise, United States Minister to Brazil, to James Buchanan, Secretary of State of the United States*<sup>2</sup>

[EXTRACT]

No. 17

RIO DE JANEIRO, May 2, 1845.

SIR: The affairs of the River Platte are coming to a crisis at last. Our Consul at Monte Video, by letter dated April 1<sup>st</sup>, informed me that several vessels which had touched there for pilots had been refused entrance at B. Ayres. The decree of non-intercourse by Rosas appeared to have been more destructive in its effects upon the Commercial interest than the "rigorous blockade" would have been had it been recognized by the French Admiral. And the strict blockade, according to a letter to me from M<sup>r</sup> Brent dated 30<sup>th</sup> March, has been recognized by the French. Both M<sup>r</sup> Brent & M<sup>r</sup> Hamilton confirm the news also of a battle fought on the 27<sup>th</sup> of March between the Argentine Gen<sup>l</sup> Urquiza & Rivera, at a place called Indian [India] Muerta, about 70 miles N. N. E. of Maldonado, in which Rivera's forces were decisively defeated. A rumor has reached here, since the receipt of these letters, that Urquiza pursued the Riveristas into the Brazilian Province of Rio Grande, & that the Brazilian army had taken position between the belligerents to preserve the neutrality of the territory. Gen<sup>l</sup> Paz is still at Corrientes, a region entirely hostile to Rosas. M<sup>r</sup> Hamilton, in his letter, adds:—"The Gen<sup>l</sup> here, as well as the inhabitants of the city in general, are in high spirits under the certainty that a conjoint intervention on the part of

<sup>1</sup> Despatches, Brazil, vol. 13.

<sup>2</sup> Despatches, Brazil, vol. 14.

England, France & Brazil, will transpire on the arrival of M<sup>r</sup> Ouseley, H. B. M. Minister for B. Ayres, for a desirable settlement of the affairs of the River Platte, & for the maintenance of the independence of the Oriental Republic. Letters from England & France state that on the arrival of M<sup>r</sup> Ouseley, twenty one days will be allowed Gen<sup>l</sup> Rosas to withdraw his troops from the Banda Oriental, and, in case of refusal, that hostilities will be resorted to by the Combined Powers, to enforce the demand. If their anticipations should not be realized, *I can assure You* that it will be utterly impossible for the town to hold out four months longer. The Gov<sup>t</sup> resources being nearly absorbed, without any visible means of replenishing them, the greatest struggles on the Part of the Gov<sup>t</sup> are at this moment in action, for the maintainance of the garrison. The many calls upon the Gov<sup>t</sup> are far too ponderous, & unless a helping hand comes quickly all will be lost.”<sup>1</sup>

Just before I received these letters, presenting this account of the State of affairs at the River, M<sup>r</sup> Ousely arrived in the Firebrand, steamer, at Rio de Janeiro. I met him more than once, & inquired of others concerning his mission. The Russian Minister, Lomonosoff, informed me that there was no doubt there had been—up to a certain period—an understanding between England & France for a joint intervention; but that England had lately adopted the policy of a separate mediation. That there was some pretence of the steamer, which was to carry M<sup>r</sup> Ouseley to B. Ayres, being out of order & requiring *affairs* [repairs?], & that this was well understood to be a mere excuse for his remaining here some time for some object or other before he proceeded on his mission. Yet M<sup>r</sup> Franca [França] had complained that M<sup>r</sup> Ouseley had made no communication to him; & no one it seems could tell or pretend even to know the precise character of his embassy, or the part which he was empowered in any event to act. The better opinion seemed to be that he had called by Rio to see M<sup>r</sup> Hamilton, H. B. M. Minister here, to ascertain from him the prospects of a treaty with Brazil & that he was to act accordingly. If Brazil was found refractory & difficult to accede to English terms, he was to take a course favorable to Rosas, of whom Brazil is known to have serious apprehensions in the event of his success against M. Video. A double object would be gained; not only would a natural enemy of Brazil be brought to aid in bringing her to terms, but the favoring of the conquest by Rosas might open the Parana & Paraguay rivers to the British Commerce—an object long sought after by G<sup>t</sup> Britain.

All this reserve & conjecture were soon cleared up to me. On the 21<sup>st</sup> of April in the morning, M<sup>r</sup> Ouseley did me the honor to pay me a farewell visit, & informing me that he was to depart that evening, he made a particular request of letters from me to M<sup>r</sup> Brent. Instructions from England had followed him & had just arrived. He was hastening his departure, & in

<sup>1</sup> Where the quotation begins, of which these final quotes mark the end, is not shown in the file copy of the document. Probably the initial quotes should have been placed immediately after the words, “Letters from England and France state that,” possibly, further down.

confidence disclosed to me fully the real character of his mission. He said there was no idea of an "*intervention*": that was rather a *modern* term which belonged more especially to Russia—he did not like it; the term *mediation* better suited. His instructions were to present & to urge by all means the advantages of a peace, but he was by no means authorized to *enforce* it. That there was no selfish nor sinister object in view, none but such as was general, & such as would be approved by all Powers for the common good of the commerce of the world. That there was in fact *no secret* in his mission, but he preferred not to have his powers & instructions understood here, because there was a party on either side interested to have them misunderstood & misrepresented. That his particular purpose in seeking letters from me to M<sup>r</sup> Brent was to correct all or any if any, misapprehension on his part. That he had been informed M<sup>r</sup> Brent had taken peculiar grounds against intervention or mediation by European Powers in American affairs, & he had heard him represented as having encouraged the idea that the U. S. would interpose to prevent any such intervention or mediation. And he inquired whether I knew or could speak with probability respecting M<sup>r</sup> Brent's views." I replied that M<sup>r</sup> Brent had touched here on his way, & I had seen him & held conversation with him, which would lead me to suppose that the rumors respecting the stand he had taken were incorrect. That M<sup>r</sup> Brent, I was sure, would aid by all his good offices any bona fide attempt from any quarter to bring about peace between two American Powers. That rumors incorrectly representing his position were probably founded on the fact that he had, perhaps, insisted that the French Admiral had no right to object & say that an American state should not blockade another with adequate force, in time of war. That the non-intercourse declared by Rosas, as a consequence of the blockade not being recognized by the French Admiral, had been more stringent upon American Commerce than the rigorous blockade itself would have been, & this had, probably, made M<sup>r</sup> Brent more anxious to have the blockade recognized. That I was very happy to hear of the fair intentions of his mission, but from my information respecting the character of Rosas, he would fail in his *mediation*. Rosas was bent on the destruction of Rivera—it was, in fact, a *personal* not a *national* war. If M. Video fell, Rosas would first invade & subdue Paraguay, which he regards as a revolted province, & that he would not refrain from conquest in Rio Grande, because Brazil had ventured to recognize the independence of Paraguay. That England would of course seek to open his mare clausum of the Parana & Paraguay rivers to her trade, & then she would be accused, as she was already, of setting Rosas on, or letting him loose upon Brazil to punish, her for not acceding to a treaty. But I would assuredly, upon his authority, represent to M<sup>r</sup> Brent the true character of his mission, and would urge upon him the propriety by all means of throwing no obstructions in the way of an embassy so just & humane, so disinterested and proper. After much more of the

same tenor, M<sup>r</sup> Ouseley left me, & I wrote the letters of introduction to Mess<sup>rs</sup> Brent & Hamilton, which I sent to him that evening before he sailed. The next day M<sup>r</sup> Walsh brought to me a private letter from an American gentleman at B. Ayres to an American gentleman here, complaining of the conduct of M<sup>r</sup> Brent very strongly. The purport of it was, that "M<sup>r</sup> Brent was wholly under the influence of Rosas. That he had taken quarters in the same house with Rosas' Gov<sup>t</sup> printer; that he had written a long letter to the French Admiral requesting him to go to B. Ayres that they might "hold sweet converse" & "a friendly talk" (these were his words, says the letter) on the affair of the blockade—intimating to the Admiral that he was ignorant of his duty in refusing to recognize the blockade—putting him in mind that we had already made France pay 25 Millions of francs for former spoliations, as much as to say:—"you had better look out that you do not have to pay more." That the Frenchman sent an answer, after the lapse of a couple of weeks or so, declining the invitation & telling our Chargé that he had acted '*undiplomatically*.' That he had invited the diplomatic corps to meet at the house of Arana the Prime Minister, day before yesterday, to talk over matters relating to the present position of affairs. The English & French diplomats declined the honor, not recognizing the right of M<sup>r</sup> Brent to call a meeting at Arana's house" &c. The letter proceeds:—"I am a good deal afraid that the folks here *may be led out of their depth* by the promises which he is said to have made that his Gov<sup>t</sup> will stand by them, & not permit any foreign intervention &c. &c. He has employed since his arrival here as his confidential interpreter the same person who acts in that capacity for the Minister of State (Arana) & who indeed is a regular employe in said Minister's office." This letter, dated March 13<sup>th</sup> at B. Ayres, from T. W. C. Moore to James Birckhead Esq<sup>r</sup> Rio de Janeiro, at once disclosed to me the source in part whence M<sup>r</sup> Ouseley had derived his impressions respecting M<sup>r</sup> Brent. I do not myself exactly credit the statements of this letter, but it assured me at all events that I had done right in introducing M<sup>r</sup> Ouseley to M<sup>r</sup> Brent, & in urging upon him, by authority of the assurances made to me, the propriety of not obstructing the English mediation. The truth is, as I told M<sup>r</sup> Ouseley, G<sup>t</sup> Britain & Brazil both are in a curious position in respect to this war. G<sup>t</sup> Britain mediated between B. Ayres & Brazil, obtained the convention of peace between them for five years—guaranteed the independence of M. Video for that time & that there should be a permanent definitive treaty of peace, & that neither party should renew hostilities after that time until after six month's notice to the other party & to the mediator. The five years have expired. The definitive treaty of peace has never been entered upon according to the convention. B. Ayres has waged war against M. Video—Brazil & B. Ayres are either at liberty to renew hostilities upon notice to the other—or M. Video & Brazil may either upon notice renew hostilities. Quare de hoc:—is not G<sup>t</sup> Britain, virtute conventionis, still a

mediator? And, if M. Video is in danger of Rosas, may she not *pro formâ* & *pro independentiâ* renew war with Brazil? This view seemed to puzzle M<sup>r</sup> Ouseley, but "*we* the U. States of America" have nothing to do with these nice questions. I have recommended that "*we*" stand by only, & take all legitimate advantages of trade. Let us look out, say I, for an equal share in the important trade of the Parana & the Paraguay if it is to be opened at all to any other Power or People, & it should be opened. Rosas is undoubtedly a Gaucho, anti-commercial & opposed to "foreigners" & is a tyrant, but he is American in his feelings & is a man of great natural abilities & of irresistible political power in his own Country. B. Ayres is a republic in name, an autocracy in fact. So much for other people's business. . . .

With the highest respect & esteem, [etc.].

RIO DE JANEIRO, *May 8, 1845.*

P.S. . . . The special French Ambassador to B. Ayres was presented yesterday & attended the fête I heard much said about the question:—whether England & France will act in concert there. No one knows. From information rec<sup>d</sup> the day before yesterday, the impression gains ground that M<sup>r</sup> Brent, our Chargé, is throwing obstacles in the way of the English & French mediation or intervention. Rosas will not hear to either. The Min: of foreign Affairs was very gracious to me, had a long talk about the affairs of the River—said that Brazil had formally & repeatedly protested against the invasion of the *independence* of Monte Video—that Rosas would not consent, on any terms, to open the trade of the Parana & Paraguay to European Powers—and ended by inviting a special interview with me at any & my own time. I shall avail myself of it at the earliest opportunity.

I have the honor [etc.].

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*Henry A. Wise, United States Minister to Brazil, to James Buchanan, Secretary of State of the United States*<sup>1</sup>

[EXTRACT]

No. 18

RIO DE JANEIRO, *May 19, 1845.*

SIR: . . . On Saturday last, the 17<sup>th</sup> I had a long interview with M<sup>r</sup> França. He said that M<sup>r</sup> Calhoun's letter to M<sup>r</sup> King had a good effect here, & had opened the eyes of many to the true power & policy of Brazil. That he would very much regret a reduction of their mission by the U. States in the face of negotiations by Brazil for treaties with all the world, & just as Europe was concentrating her diplomacy in this quarter of the globe. He then turned to the affairs of the River Plate, & I could not but see, as on every

<sup>1</sup> Despatches, Brazil, vol. 14.



occasion, that is the magnum et parvum of their concern at present.—“What do you think, M<sup>r</sup> Wise, is to be the result there—we want the views of our friends on our relations at the River?”—“I think, Sir,” said I, “that Brazil has need of her best counsels on that subject, & that her peace & safety depend upon her own prompt action. She has an anomalous Convention with B. Ayres & M. Video, with England mediator, binding all parties to a definitive treaty of peace, to be guaranteed by G<sup>t</sup> Britain—Where is that treaty?—Have B. Ayres & M. Video the right, against that Convention, to be warring upon each other’s independence, before that Convention is satisfied?—Have you not the power to call on England to compel a cessation of hostilities between those powers until your convention with them be satisfied? Would not its satisfaction terminate their war?”—“Ah! but we protest against the invasion of the *independence* of M. Video, & Rosas will *withdraw* his forces from the Banda Oriental as soon as the War is ended!”—“Yes! I am informed that if *armed intervention* does not soon succor M. Video, the war will soon be ended by its downfall. *Rivera arrived here in Rio de Janeiro last night*, flying from defeat. The moment M. Video falls, the *foreigners*, French & Italians who alone uphold its defence at present, will be scattered. Oribe’s party is as strong as Rivera’s among the natives. A small garrison or two will keep the possession of Rosas, *whilst he withdraws his army—for what?*—To invade Corientes & Paraguay!—and if the flames are lighted there, how long before they catch to Rio Grande?”—“But,” he said, “England & France will arrest this war.”—“France is so disposed—England is not. They will act in concert only so long as it is mere friendly mediation—

either have intimated interposition by force—England will not allow France so to interpose unless she does herself—England may so *interpose as soon as Brazil gives her the treaty she wants, & if she does not, she may choose, as some say, to let Rosas bring troubles upon Brazil & then treat with her. Her boon will be the opening of the trade of all the rivers, the Parana, the Paraguay & the Uruguay, & a treaty with Brazil at last on her own terms.*”—He said, “we dislike this interposition there by European Powers between two American States; but England & France both have the right by our admission of their guarantees to M. Video & B. Ayres in the past.”—I replied—“These are guarantees to Brazil too—why not demand their enforcement to compel a peace at once which alone can ward off the apprehended troubles to you from Rosas?”—But decision & energy seem to be wanting. Ouseley has arrived, & by this time Diffaudis [Deffaudis], the French Ambassador, also. The rigorous blockade had been recognized by the French, to commence about the 28th inst., but the English Comm<sup>d<sup>rs</sup></sup> had then recognized it only on condition of the withdrawal of the non-intercourse by Rosas. Our Consul at M. Video writes that M. Video must fall unless soon succored. Still it seems that an English merchant there loans on the hypothecation of the revenues from Customs. Gen<sup>l</sup> Guido, the Minister of B. Ayres, applied the

other day for a passage for his family in the Raritan. Comm<sup>dr</sup> Turner was too sick to take them. Guido on Saturday, told me he regretted the impossibility of their going in the Raritan very much, as he *could n't send them in a British man of war under present aspects of Argentine relations with England*. He, Guido, will, I think, ask his passports soon. Rosas will not hear to *mediation*, nor be stopped by *intervention*, is willing to seek a rupture with Brazil, & he will not be opposed by England in his policy. Such are my views.

With the highest esteem & respect [etc.].

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*Henry A. Wise, United States Minister to Brazil, to James Buchanan, Secretary of State of the United States*<sup>1</sup>

[EXTRACT]

No. 22

RIO DE JANEIRO, June 30, 1845.

SIR: . . . The latest dates of information from the River Plate on which I can rely, are of the 29<sup>th</sup> May. I have been anxiously waiting for definite news from M<sup>r</sup> Ouseley & Diffaudis, the English & French mediators. There is little doubt, I think, but that the mediation is joint between France & England; & I begin to apprehend, notwithstanding M<sup>r</sup> Ouseley's assurances to me when here, that they mean something more than mediation. After *mediation* fails they will try *intervention*. There are rumors of letters so strong from M<sup>r</sup> Ouseley to Arana, the Minister of Rosas, that he had to withdraw them, I do not credit this report. M<sup>r</sup> Brent, our Chargé, is still accused of obstructing the mediation. M<sup>r</sup> Ouseley is said to have expressed the desire for Oribe to be put in possession of Monte Video, & Rosas claims no more. Rivera is still in Rio de Janeiro, and it is said that the M. Videan Minister's house was guarded the other day to prevent Rivera from departing hence. This to manifest *neutrality* to Rosas, who had begun to threaten Brazil very loudly, and who had ordered the retirement of Gen<sup>l</sup> Guido from this Court & non-intercourse with Brazil immediately upon the permission to Rivera to depart. Brazil is suspected of having played a very deceitful part between the belligerents. Great mystery & secrecy seem to be observed in the negotiations at the River; but no doubt is entertained of a speedy restoration of peace & commerce.—I send you a paper containing the treaty drawn up by Brazil, the ratification of which was refused by Gen<sup>l</sup> Rosas. . . .

With the highest esteem & respect [etc.].

<sup>1</sup> Despatches, Brazil, vol. 14.

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*Henry A. Wise, United States Minister to Brazil, to James Buchanan, Secretary of State of the United States*<sup>1</sup>

[EXTRACT]

No. 23

RIO DE JANEIRO, *July 2, 1845.*

SIR: . . . We hear nothing from the River. England, has, undoubtedly, as one of the British Commissioners (M<sup>r</sup> Samo) informs me, positively instructed her cruisers to persist in the search of Brazilian vessels & to take them to Sierra Leone in all cases of seizure, notwithstanding the expiration of their late treaties. G<sup>t</sup> Britain, in fact, insists that the treaties are still binding between her & Brazil inasmuch as the latter failed to fulfil a single stipulation. The Cabinet of Brazil begin to apprehend that G<sup>t</sup> Britain's policy is, what I have been convinced of for some time, to bring Rosas down upon this country, & then to dictate a new treaty in the midst of new difficulties, precisely as she dictated the old treaty in the times of old troubles.

I have just heard a rumor, which I apprehend is correct, that an English steamer has seized *three* American & one Spanish vessel on the African Coast. The Pons, Master Graham, & the Pilot, Master Swift, both owned by citizens of the U. States, have lately arrived here from the Coast; and Cap<sup>tn</sup> J. Clapp, the person who sold the Garmeclyff on the Coast to the slave-trade, is now here as Master of the U. S. Merchant ship Panther.

With highest personal regard and official respect [etc.].

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*Henry A. Wise, United States Minister to Brazil, to James Buchanan, Secretary of State of the United States*<sup>2</sup>

[EXTRACTS]

No. 25

RIO DE JANEIRO, *July 31, 1845.*

SIR: The Columbus, with M<sup>r</sup> Everett, & the ship Catheline, from New York, with M<sup>r</sup> Hopkins on board, arrived in this port yesterday. I have seen neither gentleman as yet, but will wait on them both immediately, & be most happy to give M<sup>r</sup> Hopkins all the information & assistance in my power in respect to his Paraguay Mission. The condition of that state, isolated heretofore not only by the eccentric policy of D<sup>r</sup> Francia, but by its interior position & its inclusion from the high seas by the mare clausum of Rosas is but imperfectly known even in Brazil. But it may be said to be now on the eve of a development. A liberal Gov<sup>t</sup> has been established, and from the reputed character of the population, less revolutionary & sanguinary

<sup>1</sup> Despatches, Brazil, vol. 14.<sup>2</sup> Despatches, Brazil, vol. 14.

than that of the other Americo-Spanish states, it may be expected to be more permanent than they have usually been. Carlos A. Lopez the correspondent of M<sup>r</sup> Consul Edwards, is now the President of the Republic, & I have lately seen from him an appeal to the Paraguayans to increase their army by *voluntary enlistments*, induced by preference in the service. The Gov<sup>t</sup> organ here, the *Jornal*, is now continuing the publication of a long paper, regarded as a sort of manifesto & history by authority of Paraguay, which I shall cause to be translated both for M<sup>r</sup> Hopkins & the Dep<sup>t</sup> of State. This will give as full & authentic information as I am enabled to furnish. Mark too what is said of Paraguay in the pamphlet sent me by Gen<sup>l</sup> Guido & herewith transmitted.<sup>1</sup> That pamphlet will give you the key to the Rosas policy. It is well written, though abusive of the U. States, and worth reading. England & France will find every word therein said respecting their joint intervention at the River Platte, prove true. One of its worst effects may be to drive Rosas into an interior or gaucho war with Paraguay & Brazil in Rio Grande. He, I believe, would acknowledge the independence of, & preserve peace & promote commerce with Paraguay, if Brazil would but assure his confidence in the good faith of her policy towards Monte-Video. He suspects Brazil of ambitious designs of annexation upon both countries, & I am afraid that he may be jealous of this agency from the U. States. But the proper steps taken, I am confident that the agency is most opportune & proper; that no Power could appease & modify the action of Rosas so well as the U. States. And if their Agent is firm & discreet, & M<sup>r</sup> Brent plays properly the favoritism of Rosas towards him; & if the Minister here is duly instructed & empowered as to the part he is to act with Brazil in connexion with the affairs of B. Ayres & M. Video, & with the question of mediation or armed intervention by other nations or by ourselves; and if a prompt correspondence between all our Gov<sup>t</sup> agents in S. Eastern & Central S. America is kept up; the U. States by a disinterested peaceful, impartial & just policy, may become of all Powers, the protectors & benefactors of the great cause of American States & secure a vast Extension of their commerce, without departing in the least from their established & wise policy of non-interference & of avoiding all entangling alliances, & without committing themselves to any guarantees which may hereafter involve or embarrass their foreign relations. . . .

Subsequent to this I received three letters from M<sup>r</sup> Hamilton our Consul at M. Video, dated the 3<sup>d</sup>, the 9<sup>th</sup>, & the 10<sup>th</sup> July inst. In that of the 3<sup>d</sup> he says—

“The negotiations at B. Ayres &c. appear to have been conducted with much slothfulness, & we are kept in ignorance of the probable result, to the present moment. However, through my correspondents at B. Ayres, I have learned that the French & English Ministers proffered to *mediate* &c. Rosas

<sup>1</sup> It was published in London, in English, and covers 111 pages. Its title is “Rosas and His Calumniators: The Justice and Policy of a Triple Alliance, Intervention of England, France, and Brazil in the Affairs of The River Plate.” Not included in this publication.

has informed them that he will *not listen* to their propositions &c. until they *recognize* his *belligerent* rights of *rigorous* blockade, & he requires also that M<sup>r</sup> Brent our Chargé, be a party in the conference for mediation. In the first instance M<sup>r</sup> Ouseley exhibited a disposition to admit M<sup>r</sup> Brent as a co-operator, & he had several conferences with him. The French Minister refused M<sup>r</sup> Brent's interference, on the grounds that his instructions only contemplated his acting in connexion with the British representative, since when M<sup>r</sup> Ouseley has altered his position & has taken the same ground; and they have each addressed a note to M<sup>r</sup> Arana, Min: for F. Affairs, stating to him that prior to acting as Mediators, it was indispensably necessary that Gov<sup>t</sup> Rosas should suspend hostilities in the Banda Oriental, & withdraw his squadron from before M. Video. All this he refuses & adheres to his first demands. M<sup>r</sup> Brent has taken a lively interest in *the affairs of Rosas*, has advised him to dismiss both M<sup>r</sup> Ouseley & the Baron Diffaudis forthwith, unless they acknowledge his belligerent right of Blockade of M. Video. M<sup>r</sup> Brent has communicated to these functionaries that *he had advised Rosas so to do*. Thus matters stand per last account, from B. Ayres, & I am induced to believe from my knowledge of the stern character of Rosas, that he will not recede from his demands, being aware that the English & French would jeopardize a vast interest by making use of hostile measures. . . . &c. You will find an accompanying list of the numerical forces which defend M. Video, & also of the besiegers, by which you can judge of the safety of the City, bearing in mind that there are 80 pieces of heavy artillery mounted behind strong & well erected breast-works."—In that of the 9<sup>th</sup>: he says—"The Comus arrived yesterday from B. Ayres & has only brought disappointment to the M. Videans. In regard to the negotiations nothing of a definite character had transpired. It is said that Baron Diffaudis recommends hostile measures & that M<sup>r</sup> Ouseley declines them & wishes matters to remain in statu quo until he receives further instructions from England. In the meantime unfortunate Monte Video *must & will fall* into the hands of Oribe. The Gov<sup>t</sup> here have only *twenty days* provisions for the garrison, & when consumed have no visible means of replenishing them." In that of the 10<sup>th</sup> he says:—

"A French steamer has just arrived from B. Ayres, with despatches from the French Admiral M<sup>r</sup> Turner the Chargé, containing the information that on yesterday morning M<sup>r</sup> Ouseley & the Baron Diffaudis addressed a note conjointly to the Argentine Gov<sup>t</sup> demanding the immediate withdrawal of the Argentine troops from the Banda Oriental & the naval forces from off the port, & have allowed the Gov<sup>t</sup> three days for consideration & a prompt & final answer. . . . They have at the same time offered to mediate for the restoration of peace." In a P. S. he adds:—"The above is posted up at the Gov<sup>t</sup> house for the information of the public—great rejoicing to-day."

Such was the latest news from the River, & such is still the latest. In-

closed is the list of forces sent to me, by which it appears that M. Video is in fact in the hands of foreigners, & almost entirely defended by the *French, Italians & Negroes*.

On the 26<sup>th</sup> July the Min: of F. Affairs requested another conference with me at 1 o'clock P. M. I repaired to the State Office a little before the appointed time. I had not been seated in the ante-room long before Gen! Guido came in hurriedly & begged to know when he could have an interview with me. I named 8 P. M. in the evening. He said he had an important note, official, which he wished me to see relating to the affairs of the River Plate in connexion with the U. States, & he would send it to Mr Walsh.<sup>1</sup>

<sup>1</sup> What is referred to as an official note of Sr. Guido from Mr. Wise is apparently the following undated, unsigned paper, enclosed with Wise's despatch:

[TRANSLATION.]

Brief résumé, for the information of His Excellency Mr. Wise, Envoy Extraordinary and Minister Plenipotentiary of the United States, of the notes exchanged between the Ministers of England and France, Mr. Ouseley and Baron Deffaudis, on the one hand, and the Minister of Foreign Relations of the Argentine Confederation, on the other; and of those in reference to Mr. Brent, Chargé d'Affaires of the United States.

Under date of May 21 Mr. Ouseley wrote to Mr. Arana officially that it resulted from their previous conferences that the Argentine Government

(1) Recognizes as completely as the government of Her Britannic Majesty the independence of the Oriental State.

(2) That the government of Buenos Ayres renounces unconditionally all intervention in the internal and domestic government of the Oriental State.

(3) That under certain conditions the Argentine government will effect the departure of its troops from the Oriental State.

(4) That the blockade of Montevideo shall be raised, under conditions to be fixed in the future.

(5) That the personal security of political refugees of all parties shall be assured, so far as the Argentine government is concerned, pending and subsequent to the negotiations, which, it is to be hoped, will terminate in the pacification upon firm bases of the States of the Rio de la Plata.

That, with respect to the blockade of Montevideo, the Argentine government insists (as a measure required by the dignity of an independent nation) upon its unconditional recognition in the most rigorous form, as the first step in the negotiations.

The British Minister inquires whether the Argentine government is prepared to work on these general bases at one time, or whether it has some later measures or conditions to propose.

Mr. Arana replied on the 24th of May.

(1) That the Argentine government had persistently and inviolably recognized the independence of the Oriental State of Uruguay; and that that recognition was not of present date or a new concession.

(2) That in consequence of this same principle, it has never intervened either directly or indirectly in the internal and domestic government of the Oriental State, or of any other State.

(3) That His Excellency will withdraw the Argentine auxiliary divisions upon the order of the lawful President of the Republic of Uruguay, when the latter shall advise the Argentine government that they are not needed, without it being necessary to base this measure upon any condition.

(4) That the Argentine squadron will withdraw from the blockade of the port of Montevideo when the same lawful President shall advise him that the work of pacification is concluded.

(5) That the political refugees of all the parties have enjoyed and will continue to enjoy personal security in the Argentine Republic, provided they respect the government and the laws, it being necessary to consider this provision as a fact already established and not as a new condition.

That if the lawful government of the Oriental Republic should expel the Argentine emigrants at present in Montevideo, or should they suddenly desire to avail themselves

That he wished to prepare me by saying that the object of the Min: of F. A. was to confer with me touching what the U. States would do in relation to the affairs of Monte-Video & B. Ayres. I thanked him, & a few moments after, I was called to the audience with the Minister.

of the pardon hitherto accorded them, they would find the same clemency in the paternal sentiments of the Argentine government; but this grace is not to be understood as a recent concession.

(6) That all arrangements as to the pacification of the Republic of Uruguay lie within the exclusive competence of the lawful President, General D. Manuel Oribe.

(7) That the government insists that the absolute blockade of Montevideo be recognized by the commander of the British naval station in said port.

Mr. Arana recalls to Mr. Ouseley in the same note that the interposition of Mr. Brent, Chargé d'Affaires of the United States, from the 11th of April, had been accepted with deep appreciation; and that the Argentine government finds it difficult to proceed without an agreement on the matter first being reached between Mr. Ouseley and Mr. Brent.

In the said note of April 11 from Mr. Brent to Mr. Arana, he offers his mediation and good offices, and indicates that if the ultimatum of the Banda Oriental and of the Argentine Republic should be communicated to him, perhaps it might be in his power to bring about a sequel of operations which would have the most desirable results in all respects. [For Brent's note of April 11, see vol. I, pt. II.—Ed.]

On the 26th of May Mr. Arana transmitted to Mr. Ouseley the notes of the Chargés d'Affaires of the United States, Portugal and Bolivia, in which those gentlemen requested to be informed concerning the arrival and movements of various foreign warships in the port of Buenos Ayres, and on the 31st of May Mr. Ouseley, in reply, begged to be informed whether notes of the same tenor as those which had been transmitted to him, had been addressed to all the Representatives or agents respectively of the foreign maritime nations, or only to him as British Minister.

Mr. Arana replied to Mr. Ouseley on June 11 that the said note had been sent only to the British Minister, as Representative of the sole nation whose ships at that date were entering and leaving the port, but that he requested proper explanations of the authors of said interpellations. The Chargés d'Affaires already mentioned, repeatedly requested of the Argentine government an explanation of the reason for the frequent entrance and departure of foreign ships of war.

On May 28 Mr. Ouseley replied to the note of Mr. Arana dated the 24th of the same month, informing him that he was awaiting the immediate arrival of a Special Minister from France before offering some considerations upon the principles established by the Argentine government; but that, notwithstanding, it established, according to the declarations of Mr. Arana: That the Argentine Government, considering General Oribe as the lawful head of a foreign State, and as beyond the orders of the Government of Buenos Ayres, maintained Argentine troops at the order of that General only as an auxiliary force; and that their movements in the Oriental State of Uruguay are subject to the orders of General Oribe.

With reference to the mediation of Mr. Brent, Mr. Ouseley says in the same note that he believes that this gentleman, although without special authorization from his own Government, appears to desire the same objects that the government of Her Britannic Majesty has in view; and that there will be no obstacle to his contributing to their future realization by his experience and personal judgment, and by the good offices which his position in this country qualifies him confidentially to employ.

On June 6 Mr. Brent asked Mr. Arana officially whether he accepted the offer of mediation addressed to the Argentine government on April 11, since he had received no official recognition thereof up to that date; and on June 10 Mr. Arana officially replied that his offer was accepted at once with great satisfaction on the part of the Argentine government, which, having welcomed it with deep and benevolent interest, acknowledged with gratitude the keen desire of Mr. Brent to see a firm peace established in the Republic, giving to the pending questions a solution satisfactory to humanity.

At the same time Mr. Arana informs Mr. Brent that he has already taken some steps to that end in conferences and correspondence with the British Minister, and that he is sending him copies of the correspondence which had taken place up to then. [Neither Brent's note of June 6 nor Arana's reply of June 10 was found with Brent's despatches.—Ed.]

He opened by referring to the case of the John S. Bryan, & saying that the Min: of Finance had promised to take it up immediately, & to urge it upon the Chambers for an appropriation. He, then, suddenly, inquired whether M<sup>r</sup> Brent had tendered to Gen<sup>l</sup> Rosas the mediation of the U. States in the war with Monte Video? I replied that I unfortunately had no information from M<sup>r</sup> Brent on the subject; but from information received from other sources I presumed that matters stood thus:—

In the first place M<sup>r</sup> Brent had taken strong grounds, so far as to protest against the armed intervention, joint or separate, of England & France in a war between two American States.

In the second place he had expressed the sympathies & desires of his Gov<sup>t</sup> for peace between the two powers; & had gone, perhaps, so far as to tender kind offices of mediation on the part of his Gov<sup>t</sup> without committing it to any guarantees or responsibilities whatever. In this, I had no doubt, he would be sustained fully at home; for the U. S. were jealous of any forcible interference by European Powers with American affairs, & were extremely anxious to see all the American states prosperously settled in permanent peace.

On June 12 Mr. Brent officially requested of Mr. Arana an interview in the office of His Excellency, at which should be present Baron Deffaudis and Mr. Ouseley. [For Brent's note of June 12, see vol. I, pt. II.—Ed.]

The same day Mr. Arana, in compliance with the request of Mr. Brent, invited Baron Deffaudis and Mr. Ouseley for the 14th of the same month.

These Ministers declined the invitation of Mr. Arana on June 13, and on the following day Mr. Arana so advised Mr. Brent. [Arana's note of June 14 was not found with Brent's despatches.—Ed.]

On June 17 Mr. Ouseley requested of the Argentine government the suspension of hostilities in Montevideo as a preliminary measure to entering into negotiations. A like request was addressed by the Minister of France, and on the 22<sup>d</sup> Mr. Arana replied to both Plenipotentiaries—that in spite of its desire for peace, the Argentine government would not consider matters concerning the pacification of the Republics of La Plata, unless previously and as due satisfaction to the Argentine government, in fulfillment of international principles and laws, the absolute blockade of the ports of Montevideo and Maldonado declared by it should have been unconditionally recognized in a sustained and effective manner by the naval forces of England and France.

Mr. Arana intimated also to the Ministers of England and France that the Argentine government had accepted the friendly interposition of the Chargé d'Affaires of the United States, and that in such case it could not take into consideration any incident or circumstance connected with the pacification without the concurrence and participation of that American representative, because under no circumstance could it deviate from the loyalty of its relations of perfect understanding with the United States.

Mr. Arana communicated to Mr. Brent on the 18th of June the account of the conference with the British and French Plenipotentiaries [Arana's note of June 18 was not found with Brent's despatches.—Ed.], at which Baron Deffaudis explained—that the Chargé of the United States possessed no special instructions, as did he and the British Minister, authorizing him to offer his mediation, any more than they had to associate themselves with Mr. Brent—that the government of the United States had not taken the matter up with those of France and England—and that consequently it was not possible for them to admit his participation with them in their official acts, although they would admit him into their confidential, private and friendly acts.

On June 20 Mr. Brent offered to General Oribe, President of the Republic of Uruguay, the friendly offices of the United States for the purpose of attaining objects acceptable to humanity and productive of a firm and lasting peace, and there are strong reasons to believe that they were accepted by His Excellency General Oribe.



That Gen<sup>l</sup> Rosas had taken the grounds:—

1<sup>st</sup> That he would not entertain the mediation of England & France, joint or separate, until his belligerent rights of rigorous blockade were first fully recognized by both of these Powers. And

2<sup>nd</sup> 1<sup>y</sup> That when they offered to mediate, he claimed the right to introduce into the conference for adjustment of mediation, the chargé of the U. S., or the representative of any other Power whom he saw fit to invite. That he had invited M<sup>r</sup> Brent, & that the Ministers of England & France had declined to confer in the presence of the Chargé of the U. States. And that Mess<sup>rs</sup> Ouseley & Diffaudis had, finally, notified Gen<sup>l</sup> Rosas to withdraw his forces from Monte Video, & had given him three days to answer. Such was my information & understanding as to affairs at the River Plate.

The Min: of F. A. then read an extract from a note—from whom or to whom he did not say—informing him that M<sup>r</sup> Brent had tendered to Gen<sup>l</sup> Rosas the mediation of the U. S. & that the latter had promptly accepted the offer. Upon that point, I replied, I was not informed. But, I repeated, I had no doubt M<sup>r</sup> Brent would be sustained in offering his kind offices to terminate hostilities between two American States, without committing in any way his own Government. That I had received no instructions upon the subject, though I had written for them early after my arrival at this Court, & was not informed of the instructions to M<sup>r</sup> Brent. That His Exc<sup>y</sup> would see, from the communication I had made to his predecessor, M<sup>r</sup> França, in explanation of the course the U. States had pursued in reference to Texas, the light in which I was authorized to say to the Imp<sup>l</sup> Gov<sup>t</sup> the U. S. Viewed *Brazil* among the S. American States. That I undertook to say, in my private capacity, however, that the U. S. would much prefer to see Brazil, as the elder Sister of S. American States, leading in this mediation, than to witness either the mediation or the armed intervention of two European Powers. That I had mentioned my surprise long ago to M<sup>r</sup> França that Brazil did not interpose, effectually, to arrest hostilities between M. Video & B. Ayres, & to place all the S. Eastern States of this Continent upon a permanent basis of peaceful relations. That the affairs of the River were likely to endanger the peace & general welfare of Brazil, & that both by her geographical position & by her most important interests, she was the most proper power, & the most imperatively called upon to interpose for peace, & stronger still, she had a Convention, solemnly settled between here & B. Ayres, as a legitimate basis upon which to demand the right of interposition. The Minister seemed to desire a fuller explanation of my views, and I presented them to him as follows:—

I referred him to the Preliminary Treaty of Peace between the Republics of the United Provinces of the River Plate & the Emperor of Brazil (see Elliott's Code Vol. 2<sup>d</sup> p. 251), concluded at Rio de Janeiro on the 28<sup>th</sup> of Aug<sup>t</sup> 1828.

By the 1<sup>st</sup> & 2<sup>d</sup> Articles of this Convention, both Brazil & the Republic

of the U. Provinces declared the Province of Monte Video *separate, free & independent*.

By the 3<sup>d</sup>—Both parties obliged themselves *to defend the independence & integrity of M. Video, "for the time & in the manner that may be agreed upon in the definitive treaty of peace."*

By article 10<sup>th</sup> Protection to M. Video was guaranteed by both Parties until its constitution should be sworn to & *for five years* thereafter. Limited by Art. 11<sup>th</sup> "*to the object of the restoration of order.*"

By art. 17<sup>th</sup> "*after the exchange of the ratifications, both parties were to proceed to appoint their respective plenipotentiaries for the purpose of adjusting & concluding the definitive treaty of peace which is to be concluded between the Republic of the U. Provinces & the Empire of Brazil.*"

By Art. 18<sup>th</sup> "*If, contrary to expectation, the parties should not come to an adjustment in the said definitive treaty of peace, through questions that may arise in which they may not agree, notwithstanding the mediation of His B. M., the Republic & the Empire cannot renew hostilities before the expiration of the five years stipulated in the 18<sup>th</sup> art., nor even after this time can hostilities take place, without notice being reciprocally given, with the knowledge of the mediatory power, six months previously.*"

By the additional art. "*Both parties oblige themselves to employ all means in their power in order that the navigation of the River Plate, & of all others that empty into it, may be kept free for the use of the subjects of both nations, for the space of fifteen years, in the form that may be agreed upon in the definitive treaty of peace.*"

My Construction of this Convention was—

1<sup>st</sup> That neither Brazil nor B. Ayres could make conquest & reacquire the dominion of M. Video without a flagrant violation of the 1<sup>st</sup> & 2<sup>d</sup> articles of this Convention.

2<sup>d</sup> That the parties had stipulated by the 3<sup>d</sup> Art for *protection* to M. Video, *in a mode to be limited as to time & manner by the definitive treaty of peace; the object of this protection, limited as to the mode by the treaty, to be;—the defence of the independence & integrity of the province.*

3<sup>d</sup> That they had stipulated by the 10<sup>th</sup> art. for protection to M. Video, for the period of forming her Constitution, & for five years thereafter, *unlimited as to the mode for that period, & limited only as to the object of "the restoration of order."* So that two kinds of protection were stipulated. The one *to be limited by definitive treaty of peace as to time & object*, but not as to the mode.

4<sup>th</sup> That the latter protection under the Convention has expired by limitation of time; and the protection stipulated to be guaranteed by definitive treaty of peace *is yet to be secured & afforded by each party.*

5<sup>th</sup> That Brazil & B. Ayres are both still imperatively bound by Art 17<sup>th</sup>, to enter upon the faithful fulfilment of their positive agreement to ad

just & conclude a treaty of peace, in which they are bound to stipulate the *time* & the *manner* in which they & each of them may "*defend the independence & integrity of M. Video.*"

6<sup>th</sup> That neither party has the right to declare or wage war against M. Video, so long as this stipulation for a definitive treaty of peace to point out the time & manner of defending the independence & integrity of M. Video shall remain unexecuted. And if either party has so declared & waged war, without the consent of the other party, that other party may, lawfully demand a cessation of hostilities on M. Video until this treaty of peace be entered upon & concluded in good faith.

7<sup>th</sup> That the whole scope of this Convention obviously continues the umpirage of the mediator, G<sup>t</sup> Britain, until this definitive treaty of peace be entered upon, & adjusted & concluded in good faith. And, in case either party refuses to enter upon, adjust & conclude this treaty of peace in good faith, & continues to wage war upon M. Video in violation of the plain meaning of this Convention, then the other party may appeal to the mediatory power for interposition; or, it may give the six months' notice for a renewal of hostilities.

8<sup>th</sup> In case hostilities against M. Video by one of the parties be thus arrested by the other Party & by the Mediatory Power, then the two latter Powers are bound to guarantee peace ad interim to the first power as against M. Video until this definitive treaty of peace be adjusted & concluded.

With this construction of right, under this Convention, Brazil was clearly the Power to lead in the settlement of the affairs of the River Plate. And the step for her to pursue was to *demand of the Republic of the U. Provinces the cessation of hostilities until the faithful conclusion and execution of this definitive treaty of peace.*

1<sup>st</sup> This course would arrest the war raging between the Republic & the Province of M. Video.

2<sup>d</sup> It would prevent the dangers of Brazil being involved in that war.

3<sup>d</sup> It would place the peace of the three S. American powers on a permanent footing.

4<sup>th</sup> It would prescribe the mode of defending the integrity & independence of M. Video which were necessarily at hazard in the pending war.

5<sup>th</sup> It would fix boundaries.

6<sup>th</sup> It would, of course, *retire* the armed intervention of European Powers.

7<sup>th</sup> It would place the mediation of England on the legitimate basis of conventional law.

8<sup>th</sup> It would open the trade of the Rivers of the La Platta & all others emptying into it, & decide all riparian rights, & might be the means of guaranteeing independence to Paraguay as well as to M. Video.

9<sup>th</sup> It would have the sympathy & respect of all civilized nations, & particularly of the U. S. who would be proud to see Brazil thus interposing

among neighboring American States to promote & secure peace & free-trade, upon the basis of conventional law instead of leaving all open to the rapacity of European force. The U. S. could not but look upon the *armed intervention* of England & France with distrust & anxiety. The apprehension was that something more was meant by this joint intervention than the peace of B. Ayres & M. Video. The River Plate & its tributaries are to Brazil in S. America what the great river of the Mississippi is to the U. S., the leading artery of the very heart of its interior. A control of that organ of the circulation of American trade & of the development of a mighty American State such as Brazil, should *not be left to the contingencies of a settlement by Powers bent on commercial conquest & whose systems are peculiarly colonizing*. Brazil should, by all means, seize this moment to decide many more important questions than that merely of the peace even of M. Video & B. Ayres. Her own peace is involved; her own duties to M. Video & B. Ayres need to be defined, her own boundaries to be settled, and the *mare clausum* of the Plate to be broken for the development of her interior, & Paraguay, as well as M. Video, is to be secured in her peace & independence.

The Minister said that Brazil had demanded this treaty of Gen<sup>l</sup> Rosas, & he had evaded the demand. I asked whether the appeal had been made to the mediating Power? He said not, & asked in turn whether I would recommend the demand for the treaty to be made again of Gen<sup>l</sup> Rosas, or that the appeal should be made instantly to the Umpire? I replied that if the demand had been made & refused already, Brazil, justified by the necessities of war flagrante, might notify Gen<sup>l</sup> Rosas that a cessation of hostilities under the guarantee I have named of peace to B. Ayres from M. Video *ad interim*, was demanded, & that an appeal would be made to the mediating Power named in the Convention.

This view was discussed more fully, of course, in various aspects, in order to its more perfect understanding & explanation. But such is a description of it, as impressed, I believe, on His Exc<sup>y</sup>, who seemed most favorably struck by it as worthy of consideration.—Here, after some allusion to other & minor matters, in about an hour & a half's time, the conference with him ended.

At 8 o'clock P. M. Gen<sup>l</sup> Guido, the Envoy of B. Ayres, came to my house. He signed the Convention of 1828 on the part of B. Ayres. He begged to know the nature & result of the interview I had with the Min: of F. Affairs. I informed him that having no instructions on the subject from Washington, I could advance—and had advanced no official views whatever. That I had expressed my private & speculative views alone to the Minister, & as such had no hesitation in presenting them to him. That I was a mere spectator in the affair, & that neither I nor my Gov<sup>t</sup> could have any motive for this concealment of opinions which impartially & disinterestedly looked only to the good of the great *American Cause*. I explained to him my

understanding of the Convention of 1828 as I have described, & justified the propriety of the adoption of my views by Gen<sup>l</sup> Rosas. He said that I perfectly apprehended the bearing of that Convention, & he would rejoice in nothing more than to see it executed in good faith. That he did not of course, foresee this war with M. Video when it was drawn, but if it had been drawn in reference to it, it could not have more aptly fitted the emergency that had arisen. He went on to explain that B. Ayres had reason to be jealous of Brazil. That Dom Pedro 1<sup>st</sup> had sent an embassy to France years ago, the object of which was to mature & organize the policy of making a number of *South American Monarchies*, especially out of the Spanish Colonies. That the overtures in that behalf, made to France from Brazil, had been divulged, and authentic information of them had been given to Gen<sup>l</sup> Rosas. That Abrantes, the present Minister of Brazil at Berlin had renewed these attempts at revolutionizing the S. American Republics, & that he had aided principally in originating this joint mission or armed intervention of England & France. That the object of Brazil was to extend her boundaries to the River Plate & to re-acquire both the Province of M. Video & the Entre Rios; & it had been marked by a duplicity at once inimical & faithless to the Republic of the U. Provinces. That as soon as armed intervention was established Brazil would come in at the backs of England & France & secure the objects of her ambition. That Gen<sup>l</sup> Rosas was convinced of this, & that though M<sup>r</sup> Mandeville, the late Minister of England at B. Ayres, was very influential, personally, with Rosas, & had written by all means to retain him, Genl. Guido, here, yet he had rec<sup>d</sup> peremptory orders to demand his passports, & had so announced to the Min: of F. Affairs. I urged upon him the impossibility of Brazil conceiving the ambitious designs imputed to her; that whilst I was explaining myself that day to the Min: of F. Affairs, he had for a moment misapprehended me as suggesting the re-acquisition of the province of M. Video & had repelled the idea instantly by saying that Brazil was bound by this Convention to defend its separate independence & integrity. That Brazil had not the means to encourage the hope of success in such an undertaking. That on the other hand she had every reason to be more jealous of England and France & their designs in mediating or intervening, than of Gen<sup>l</sup> Rosas. That their policy was to bring B. Ayres & Brazil again into collision & to reap another harvest as before out of treaties generated by their feuds, & to acquire some *conventional* or *mediatorial* or *intervening* rights in the trade of the *Parana & Paraguay Rivers*. That if Gen<sup>l</sup> Rosas would only throw himself upon the Convention of 1828 with Brazil;—say to England & France, “I will not hear to your armed intervention or joint mediation, but I will cease hostilities if England & Brazil will guarantee peace to B. Ayres as against M. Video until I can settle & adjust all questions with Brazil, the settlement of which will adjust necessarily every question with M. Video” and would lay down his arms & demand

a definitive treaty of peace with Brazil, he would gain a decided advantage in diplomacy & an honorable peace. I considered that, whichever, Brazil or B. Ayres, took that position first, of demanding & insisting upon the execution of the Convention of 1828, would be on the vantage ground. And if both would fall back at once upon it, & fulfill it in good faith & amity, they would relieve themselves from the dangerous European toils which were encompassing them. I urged upon him that this course alone could relieve Gen! Rosas from the necessities & hard conditions of this threatened armed intervention. That the appeal to the mediating Power under the Convention, would silence arms in all hands, would certainly retire France, who was most strongly inclined to arms, would limit England to peaceful interposition in a conventional mode, & would place the peace & prosperity of American States for years to come under American Control. I promised to write these views, in which Gen! Guido fully concurred, to M<sup>r</sup> Brent. On Tuesday last, in great haste, and in a very condensed form, I did so. To-day Gen! Guido sent to me the accompanying pamphlet & paper as corroborating what he had told me respecting the policy of Brazil, & a message promising to make a memorandum of official despatches from B. Ayres for my information.

Of all this information I have put M<sup>r</sup> Hopkins in possession, & I have endeavored to impress upon him the importance of convincing Paraguay that *now*, in the settlement of this war at the River, is the accepted time, the good season for her to acquire guarantees of *her* integrity & independence, & of the *free trade in transitu*, of the River Plate & all the rivers entering into it South of her boundaries. That in the latter object the interests of the U. States are concurrent with her own. That *if B. Ayres is jealous of Brazil as to the re-acquisition of M. Video, so is the latter jealous of the former as to the re-acquisition of Paraguay. That Brazil is ready to renounce all pretension's to or designs upon M. Video, & would gladly do so by treaty in considering, especially, that B. Ayres will, on the other hand, renounce all pretensions to & designs upon Paraguay.* Thus Paraguay may be peacefully recognized & secured in her independence. I have submitted to M<sup>r</sup> Hopkins the propriety of urging upon Paraguay the policy of rigidly following the example of the U. States in avoiding war with her neighbors. That the principal strength of Paraguay at present is her abstinence from revolution heretofore, & her respectability & prosperity in future depend upon peace. That if she will but abstain from war and from intestine commotion, she will have the sympathy of every civilized & commercial nation on earth in defense of her national existence & in opening to her trade the ports on the Atlantic.—I have requested M<sup>r</sup> Hopkins to say to the Pres<sup>t</sup> of Paraguay that I will be most happy, as Minister of the U. S., to be made the medium of any communication to the Imp<sup>t</sup> Gov<sup>t</sup> or to Gen! Rosas through M<sup>r</sup> Brent, & to be the instrument of any kind offices to her in behalf of the U. States.

And I have also requested that M<sup>r</sup> Hopkins will despatch to me as regularly as he can the progress of his agency & information. I submit also to the Dep<sup>t</sup> the propriety of giving me here some general powers on all these subjects involved in the relations between Brazil, B. Ayres, M. Video & Paraguay. Here is the center of operations in S. America, & the President may be assured that the U. States has not a more important mission abroad than this, if properly attended to at home. It has not heretofore seemed to be appreciated there, or I would have rec<sup>d</sup> more prompt & more full notice of my movements. For example, I have never to this day been informed even whether my exposé to this Gov<sup>t</sup> on the subject of the annexation of Texas was approved or disapproved. No instructions have as yet arrived about the slave-trade, or the affairs of Consuls, or about our claims. I have been *autocrat* in all these matters, because I was left to the guidance of my own judgment alone, & because I did not choose to sit still & see the honor & interests of my country suffer. Now I am actually sought after, & anxiously called on by both Brazil & B. Ayres for advice, counsel & information on subjects of the highest importance affecting the deepest interests of North & South America, in connexion with each other & with European Powers, & I find myself without Counsel from my own Gov<sup>t</sup>—Please to guide me, Sir, in the best and most politic course to serve our Country. That is my sole object. The states in South America are worthy of our regard, you may depend upon it, & I verily believe that now is the very time to win them by no other means than those of honesty, conciliation & dignified fair-play. . . .

With the highest respect [etc.]

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*Henry A. Wise, United States Minister to Brazil, to James Buchanan, Secretary of State of the United States*<sup>1</sup>

No. 28

RIO DE JANEIRO, August 8, 1845.

SIR: The Raritan frigate is off the bar & has sent in a boat. The accompanying Copy of a letter from M<sup>r</sup> Hamilton<sup>2</sup> & Copy of a bulletin issued at

<sup>1</sup> Despatches, Brazil, vol. 14.

<sup>2</sup> This letter from U. S. Consul Hamilton at Montevideo, from the date line of which the name of the month (probably July), is omitted, follows:

MONTEVIDEO 18<sup>th</sup> 1845—

MY DEAR SIR: We have just received by an arrival from Buenos Ayres, a letter from our Commercial Correspondent under date 15<sup>th</sup> inst. cont<sup>g</sup> the following, viz:

"The negotiations between the Agents of Eng<sup>d</sup> & France & this Gov<sup>t</sup> are at an end—the Ministers will depart in a few days, we see nothing but ruin before us."

Hostilities we are assured will Commence immediately, great excitement in B. Ayres. Gen<sup>ls</sup> Paz & Lopez have taken S<sup>t</sup> Fee, a point of vast importance to the Unitarian cause, I have no time to write particulars, but you may rest assured that the dethronement of Rosas is near at hand.

In extreme haste [etc.].

Monte Video show the last advices from the River. M<sup>r</sup> Everett has decided, upon advice of physicians & surgeons, to return from this place to the U. States.

In great haste for Cap<sup>tn</sup> M'Keever who sails in the S<sup>t</sup> Louis tomorrow morning.

Very truly & respectfully [etc.].

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*Henry A. Wise, United States Minister to Brazil, to James Buchanan, Secretary of State of the United States*<sup>1</sup>

[EXTRACT]

No. 32

RIO DE JANEIRO, August 24, 1845.

SIR: . . . During the last week we have rec<sup>d</sup> very important news from the River Plate. A letter from our Consul at M. Video to me, dated the 7<sup>th</sup> inst. says:—"On the 22<sup>d</sup> inst. the Argentine squadron was captured and brought into this harbor, by the English & French, & dismantled, crews taken out—and it is presumed that this direct hostility is tantamount to a declaration of war against the Argentine Republic." And he transmitted to me also the following copy:

*Adolphus Turner, to R. M. Hamilton, United States Consul at Montevideo*

MONTVIDEO, August 1, 1845.

SIR: I have to acquaint you that I have been informed by Rear Admiral Inglefield, comd<sup>g</sup> H. B. M. naval forces on the E. Coast of S. A. that in consequence of the refusal of Gen<sup>l</sup> Oribe to comply with the intimation which has been made to him by the British & French Admirals requiring him to suspend hostilities, a rigorous blockade will be established of all the ports of the Oriental Republic, which are or may be occupied by the troops in the service of the Argentine Gov<sup>t</sup> & that the blockade of the port of the Buco has been this day established. Neutral vessels now in the port of the Buco will however be permitted to leave that port until the 12<sup>th</sup> inst.

I have the honor [etc.].

The Buco is a port a few miles to the E. of M. Video.

Thus have England & France directly interposed by force to Compel Compliance with their dictation in affairs purely American. By the repeated interferences of the English & French Admirals, commencing with that of Com<sup>dr</sup> Purvis in 1843, the war of the Plate has been continued for the last two years. For it is beyond doubt that if Brown, the Argentine Admiral, had been permitted to take Rat Island, years ago, when it was defenceless, and if the rigorous blockade had not been interrupted again & again, under most frivolous pretexts, MonteVideo would have capitulated long ago. In every form, at the same time, the English and French Authorities, civil & military, had recognized the belligerent rights on both sides; and yet, after

<sup>1</sup> Despatches, Brazil, vol. 14.



vacillating for years, & thereby continuing hostilities, now under pretext of deprecating & suppressing them, they have themselves entered into the war by acts of direct hostilities, in violation of the plainest principles of international law, & in a manner, too, but to inflame its passions & to increase its savage barbarities. For refusing the pretended *mediation*, war is made upon *one* only of the parties, & the intervention by force of arms is no less partial than unlawful. The Blockade of the Oriental ports occupied by the allied arms of Oribe & of the Argentine Republic; & the capture of the Argentine Squadron are not the only acts of hostility towards Oribe & Rosas, whilst the party of Rivera is upheld & defended. No—not the party of Rivera. As I showed you in my last despatch, the defenders of M. Video are *French & Italians*—not one sixth—about one eighth only of the 6700 men in arms are Orientals. England & France, then, have interposed just at the moment of almost certain surrender, to uphold in fact a foreign conquest of M. Video by European *Colonists*—by men who fought in masks until not very long ago, they were obliged to forswear French allegiance. Rivera, in fact, is now here, exiled by defeat & a prisoner of Brazil in the house of the M. Videan Minister. These are striking facts. The joint official [note?] by Ouseley & Diffaudis accompanying this,<sup>1</sup> will show you their pretended grounds. But they have gone further. They are now sending arms and munitions of war to Paz at Corrientes, and efforts are making to enlist Paraguay in the war upon Rosas.—Amory Edwards Esq<sup>r</sup> arrived here on the 22<sup>d</sup>, on his way to Washington with despatches from M<sup>r</sup> Brent. He & the despatches he bears will inform you of all more fully. The reports here against M<sup>r</sup> Brent, circulated I am sure in part by Ouseley & his friends, have been villainous. Ouseley has played a weak game of duplicity & fraud. He assured me solemnly & positively that he had no power to forcibly interpose. He eschewed the very term "*intervention*" as one of Russian interpolation—peaceable, disinterested *mediation* for the common commerce & humanity of the world, was all his object, was his only end & meaning, & his only instruction. This he assured me of, asked me for a letter to M<sup>r</sup> Brent, caused me to write the same assurance to him—bore it himself—acted upon it so far as to confer with M<sup>r</sup> Brent, to an extent which I presume his despatches will disclose, & at last, after the French Minister Diffaudis arrived at B. Ayres, united heartily in the *armed intervention* & arrogantly denounced M<sup>r</sup> Brent for *ungentlemanly* conduct in taking note of his previous conferences & furnishing memoranda to Arana, the Minister of Rosas! If God spares me ever to see Ouseley, I will, on personal account, convince him that my opinion of his conduct to me was worth respecting. And I submit to Gov<sup>t</sup> that the U. States ought not to look tamely on at the scenes of the La Platta. I have intimated to

<sup>1</sup> This reference is to a proclamation, or announcement, signed by these men, the ministers of England and France, dated August 4, 1845, printed in Spanish, in the issue for August 7, 1845, of the newspaper "*El Nacional*" of Montevideo, explaining the friendly character of their mission.

M<sup>r</sup> Hopkins the necessity of his pressing on to Assumption with all expedition. He will not wait longer for a steamer but will start on Tuesday. I have urged on him the propriety & policy of neutrality on the part of Paraguay. And I have urged more strongly on M<sup>r</sup> Brent to press Rosas to make two decisive moves:—

1<sup>st</sup> To demand the retirement of the armed intervention of the Two Bullies, on the ground of a cessation of hostilities with the Banda Oriental, until the immediate settlement of a definitive treaty with Brazil as to the entire peace of S. E. South America, in fulfillment of their Convention.

2<sup>d</sup> An immediate & spontaneous recognition of the independence of Paraguay with a view to secure a neutral & a friend, when there might be a deadly foe at a critical moment in his affairs. M<sup>r</sup> Brent wrote me by M<sup>r</sup> Edwards, saying he hoped I would keep Brazil from interfering at the River. There is no danger of Brazil doing so openly. She dreads Rosas & begins to be exceedingly jealous of England & France. I have so written to him. If Rosas now will only make a treaty with Paraguay, opening the rivers to her trade—it will be all in our favor & to the exclusion as much as possible of England & France. We will see how events will be developed. I wish that I could be authorized to declare only the real sentiments of our Gov<sup>t</sup> to Brazil.—Rosas, M<sup>r</sup> Edwards says, is inclined to non-intercourse with England & France. This will give our trade a fair & full sweep—unless England & France blockade. What then ought *we* to say & do? . . .

I am, Sir, [etc.].

## 579

*Henry A. Wise, United States Minister to Brazil, to James Buchanan, Secretary of State of the United States*<sup>1</sup>

[EXTRACT]

RIO DE JANEIRO, *August 27, 1845.*

SIR: . . . Since I closed my dispatches Gen<sup>l</sup> Guido, the Minister of B. Ayres has called on me and said that his Gov<sup>t</sup> had ordered him to lay before me the entire correspondence of the Argentine Republic respecting the affairs of the River Plate. I gave him my advice & counsel, which he requested me to write in the form only of a private memorandum.<sup>2</sup> My views

<sup>1</sup> Despatches, Brazil, vol. 15.

Other documents of about this date, and on to the end of the year, are in vol. 14.

<sup>2</sup> Wise's memorandum for Guido, the Argentine Minister at Rio de Janeiro, enclosed with his No. 33, below this part, doc. 582, follows:

RIO DE JANEIRO, *August 27, 1845.*

We will not stop to characterize the armed intervention of England and France at the River Plate. Suffice it to say, it is in violation of the laws of nations—it is highly obnoxious and detrimental to American honor and interests at large—and would well justify a declaration of defensive War on the part, especially, of the Argentine Republic.

at large will be transmitted to you in the course of a week—One thing I must specially announce to you now. Without disclosing any of our movements at all, I asked Genl Guido, after urging on him the propriety & policy of Gen<sup>l</sup>

We will not stop either to examine the difficulties of the position of that Republic nor of General Rosas its Governor.—

The question is:—

How shall that Republic *be best extricated* from those difficulties and dangers which now beset it from the arms of the two most powerful nations of Europe? *War* with them is out of the question. It would not be *politic, even if it were doubtful as to its results. War* is what they desire and *War* is what the Argentine Republic should by all honorable means avoid. I assert:—

1<sup>st</sup> That it can honorably avoid War—

2<sup>nd</sup> That it can, peacefully, more effectually resent and punish the Arrogant and Ambitious aggressions of England and France by the *pen* than by the *sword*

How?

There are two moves for the Argentine Republic:

1<sup>st</sup> Instantly, and without pausing upon the terms, *proclaim a cessation of hostilities* with the *Banda Oriental*, and demand the *retirement* of the armed intervention of England and France: demand it both of *them* and of the *Empire of Brazil*, until the Argentine Republic and Brazil shall consummate their preliminary Convention of 1828, which still binds them to adjust and conclude the definitive treaty of peace between them which is to define "the time and the manner" in which "the independence and integrity of the Province of Monte Video" are to be defended (See said Convention Article 3<sup>rd</sup> 17<sup>th</sup> and 18<sup>th</sup>) And call upon Brazil to fulfil that Convention forthwith by the immediate appointment of Plenipotenciaries for that purpose.

Such is the first move. Brazil, I venture to say, will accede to it. This will:

1<sup>st</sup> *Retire necessarily the armed intervention.* The war between the Argentine and the Banda ceasing, the effect—the intervention must cease also.

2<sup>nd</sup> It will secure the peace of all South Eastern South America.

3<sup>rd</sup> It will dispense with all *European* and *Substitute American* guarantees.

4<sup>th</sup> It will define the territorial limits and secure the permanent independence of the Banda Oriental: *secured, defended and guaranteed by Brazil and the Argentine Republic*—

The next and greatest move is:

2<sup>nd</sup> 1<sup>st</sup> To proclaim simultaneously with the first move, and spontaneously, the *Independence of Paraguay*; and immediately to enter upon and conclude a treaty of *Amity, boundaries and Commerce, with that state.*

This last is most important. It will be hailed with acclamation by the United States and by all nations who desire to see the prosperity of American States, and to see the Two Domineering Powers disappointed of their prey in South America. This will—

1<sup>st</sup> Make a friend and neutral, where a foe might be expected, in the State of Paraguay, to General Rosas and the Argentine Republic, in this crisis.

2<sup>nd</sup> The Independence of Paraguay must be acknowledged sooner or later. Why not do it graciously, and generously, and secure its advantages on the most favorable terms of *neutrality at this time*, and of a treaty which will likely be more auspicious now than ever hereafter?—

3<sup>rd</sup> It will paralyze Paz at Corrientes.

4<sup>th</sup> It will be more advantageous to the *revenues* of the Argentine than if attached to that Republic as a province, by the *tax* it will yield on the *trade in transitu* of egress and ingress on the Paraná and Paraguay rivers.

5<sup>th</sup> *It will above all enable the Argentine Republic to revenge herself amply of England and France.* How?

On this latter point I must enlarge a little. I cite the latest, the best experience of the United States. Turn your eye to the Map of North America, look at its geography, and remember its history.

From the extreme West running East on its northern and widest breadth is a vast chain of lakes. They are the boundary of the United States on the north. The United States, now wish not to pass farther north—

Heading near those lakes in the north, and running nearly at right angles to the South, is the Mighty Mississippi river of the Interior of the Continent, with the Missouri and its other scarcely less Mighty branches from the East and the West. *The mouth of that Mississippi* belonged to Spain. Napoleon snatched it from Spain. Afterwards, seeing its vast importance, having no navy, being at war with England who had

Rosas' recognition of the independence of Paraguay, what the Argentine Republic would say to a recognition of Paraguay by the U. States the coming Winter?—His answer was:—"I speak to you as *Guido*,—not as Minister—

*a navy, and fearing that it would inevitably fall into the hands of his rival, he sold it to the United States to prevent its conquest by England.* Thence, from the acquisition of Louisiana, may be dated the immense development of the United States. They thereby *commanded the great internal artery of the continent.* The valley of that river is now teeming with population, towns, villages, wealth, trade and power. Had England acquired or France retained its outlet, or the power to tax its trade, it is doubtful whether the north American Confederacy could have existed much less have arrived to the grandeur which the Union now exhibits, and is daily unfolding in larger and larger astonishing proportions. The census of the valley of the Mississippi of 1840 will show the magical results which this acquisition has achieved for the United States, in the *moment*, I may say in speaking of the age of a nation, of only 30 years. The results prove the genius of Napoleon. His sagacity and his jealousy of England gave us this strength to oppose her dominion over us, and snatched from her this strength to oppose France and all the rest of the world.

Now turn to the Map of South America. Commencing in the extreme West, and running nearly due East, directly under the line of the Equator, is the great river of the Amazon. Near its waters in the north are the fountains of the Paraná and the Paraguay rivers which run South, as the Mississippi and Missouri to the lakes of the Gulf of St Lawrence, nearly at right angles to the Amazon. What the Mississippi and Missouri rivers are to the North American these Paraná and Paraguay rivers are to the South American Continent. But the correspondence ceases with *physical facts.* Though the physical geography be so strikingly similar, the political geography of the one continent varies very widely from that of the other. The United States run to the lakes, but not beyond them north. Brazil runs north beyond the Amazon. The United States possess and wield the *whole territorial domain* of the Mississippi and Missouri and most of their tributaries and, especially, all their outlets and ascending and descending trade. The territorial domain of the Parana and Paraguay, confluent in the La Platta, is held by no less than *four different and widely differing and now dissenting and disagreeing States.*

From this *similarity in physical*, and this *dissimilarity in political* geography, essential truths are to be evolved. The Argentine Republic, Brazil the Banda Oriental and Paraguay must not overlook them without expecting in a very short era of future time to pay the cost of so flagrant a folly—They ought all to see

1<sup>st</sup> That they, one and all, are most deeply interested for all future time, *not to allow England and France to grasp the outlet of the great internal arteries of the South American Continent.* They ought, unitedly and separately, to oppose this greatest of all European infringements upon American interests. They and each of them ought to submit to almost *any temporary sacrifice* to prevent this greatest and most ultimate injury to themselves. They ought to take the alarm at the immediate presence of danger more threatening to their great outlet of their interior, than ever threatened the outlet of the Mississippi. France and England were *at War*, when the United States bought of the *Un-Marine* power the Key of their valley of the Mississippi. Mark! England and France are *now con-joint at the River Plate!* It is a *joint armed intervention.* Guizot and Sir Robert Peel perfectly understand how their States lost by their broils the Key of the North American Continent. By their *joint tenancy* they will now if they can acquire the Key of the Interior of South America. When the two rogues fell out we honestly came to our due. *That*, they have found out and now they will unite for a common spoil of South America to make up for their irretrievable losses in South America by their wars! The command of the trade of the Plate—of the Parana—of the Paraguay—of the entire Interior of South America is the joint object of their joint intervention between Buenos Ayres and Monte Video!!! *That* is their object; they will first acquire that, and then quarrel over the acquisition afterwards. But *that* they will acquire if not prevented by a timely policy.

2<sup>nd</sup> 1<sup>st</sup> The South Eastern South American States ought to see *that their policy is peace*—What England and France in fact most desire is *War between them and War with them.* Therefore General Rosas *ought to avoid War.* They want *War for pretexts*, and they want *pretexts for acquisition and conquests*—Let the Armed intervention then be retired as soon as possible, by a proclamation of peace between the Banda Oriental and the

when I say, that *the independence of Paraguay is already established*, Gen<sup>l</sup> Rosas has not the power to re-acquire the Country or to resist or prevent its independence—I asked:—"Would, then, the Argentine Republic take it as unfriendly if the U-States Minister here or at B. Ayres were to request the recognition?" He answered:—"My opinion is that, at this time *nothing* coming from the U. States would be rec<sup>d</sup> as unfriendly, which was not in-

Argentine Republic. If that be not done the Banda Oriental, with the *Mare clausum* of the La Platta, becomes a colony of England and France, a territory of foreigners acquired by foreign conquest.

3<sup>d</sup> The South Eastern South American States ought to *guarantee their own peace and dispense as soon as possible with European Guarantees*. This armed intervention, you see, proceeds from the pretense of stipulated guarantees.

4<sup>th</sup> It is important especially to the Argentine Republic that the Independence of the Banda Oriental should be defended, because nothing less than that Independence will preserve the balance of power between that Republic and the Empire of Brazil. The Interior of Brazil must pass through the Parana and Paraguay to get to the Ocean. If Brazil holds the mouth of La Platta and one bank of the rivers, she may control the Argentine Republic. If not, she is dependent upon the Republic for egress and ingress to and from the Interior. The Independence of the Banda Oriental is a mutual check.

5<sup>th</sup> The Argentine Republic ought to perceive and bear in mind that she has the vantage ground of riparian rights—Paraguay holds one bank of each of two rivers. The Banda Oriental holds one bank of the outlet of the great La Platta. Brazil holds the Sources—The Argentine holds *Ambi-Riparian* rights—both sides of the rivers for a great extent and one bank of the great outlet—What then? Let the Argentine then make use of this with effect by—

1<sup>st</sup> Being liberal to Paraguay and Brazil. Let her treat with both on generous terms, allowing all the growth manufactures or products of Brazil and Paraguay to descend the Rivers—paying only a moderate duty on the trade in transitu. Let this be moderate—The more moderate, the more trade—the more trade, the more revenue to the Argentine.

2<sup>nd</sup> Let the Argentine reserve to her own tariff of duties the rate of taxation on the ascending trade passing through her territories. She may say *who may pass*—what tax they who pass shall pay. She may discriminate against England and France. And thus she may reach them—thus she may be redressed—thus she may touch their more tender nerve—the nerve more tender than that of their Soldier's Skin—the nerve of their commerce—their pocket nerve!! thus she may punish their usurpation more severely by the pen of proclamation of peace and of treaty with Brazil, and Paraguay, than by her own good sword. I urge therefore the moves:

1<sup>st</sup> To proclaim peace with the Banda Oriental and the demand of the execution of the Convention of 1828 with Brazil.

2<sup>nd</sup> To proclaim the Independence of Paraguay and to negotiate forthwith a treaty of friendship, boundary and Commerce with her.

These are the moves to extricate not only the Argentine but all South America from the toils of England and France. These look to the great future, throwing aside petty, personal, and Minor present interests. These promote peace and commercial prosperity. These strike the efficient blows of scientific statesmanship and of a system of national and continental policy for South America and against European domination. These will be approved by all other European Powers, except England and France, and will be hailed with welcome plaudits by all American States who are disinterestedly but anxiously looking on for the present and ultimate triumph of the Great American Cause.

I beg you then to urge these moves on General Rosas as I shall upon Mr Brent—This is mere private advice. I cannot speak officially. I speak only as man and American. The United States cannot interpose. I can only advise—Lastly General Guido ought *not*, by every consideration, to depart from this Court at this time. On the ground of peace and conciliation, the Imperial Government ought to decline to consent to give him his pass-ports.

Such is but a *skeleton of a sketch* of my private views: take it for what it is worth.

—Note—

The additional article of the convention of 1828 refers to the trade of the River Plate to be settled by the definitive treaty of peace.

tended to be so; and I think that a recognition of Paraguay by the U. States would be approved by the Argentine Republic."

. . . This I regard as a private & friendly note & I beg you so to consider it, except the extract as to interview with Guido.

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*Henry A. Wise, United States Minister to Brazil, to Antonio Paulino L. de Abreu, Minister of Foreign Affairs of Brazil*<sup>1</sup>

RIO DE JANEIRO, September 3, 1845.

The undersigned in accordance with his promise to His Excellency the Minister and Secretary of State for Foreign Affairs on the 2<sup>nd</sup> Instant now incloses a copy of his private Memoranda<sup>2</sup> prepared at the request of His Excellency General Guido on the policy of the Argentine Republic in respect to the armed intervention of England and France in the Affairs of the River Plate.

The undersigned trusts that His Excellency will regard this as intended to be a *mere brief* of his own *private, individual and unofficial*, views; and that His Excellency will see nothing in them but an anxious desire to promote the permanent peace and prosperity of South American States, and to recommend a system of policy calculated to prevent and counteract a European interference, dangerous alike to their harmony, their commercial interests, their political power and influence, and their national independence. Knowing the deep interest which the United States feel in the general welfare of South America, and the jealousy of European interference in American Affairs, which, under every administration, they have always manifested, the undersigned cannot but be watchful of this armed intervention by England and France. He feels no little apprehension respecting the now threatened occupation by these Powers of the Island of Martin Garcia, which commands the whole trade of the La Platta and its confluents. He therefore hopes that he will be excused for enquiring for the information of his Government whether the Imperial Government is informed of any object of this joint armed intervention by England and France beyond the suppression of hostilities between the Banda Oriental and the Argentine Republic?— And whether the Imperial Government has reason to apprehend that England and France or either of them intend to seize, occupy, or hold, jointly or separately, any portion of the territory of either the Banda Oriental or the Argentine Republic?— And in the event that they or either of them do actually seize, hold, or occupy any portion of said territory whether it will be

<sup>1</sup> Despatches, Brazil, vol. 14, enclosed with Wise to the Secretary of State, No. 33, below, this part, doc. 582. In subsequent correspondence in this volume, Antonio Paulino L. de Abreu bears the title of Visconde de Abaeté.

<sup>2</sup> Above, this part, doc. 579, note 2.

done with the approbation and consent of Brazil? or, whether Brazil will protest against and oppose such seizure occupation or possession?— These enquiries are made without in the least doubting the faithfulness of the Imperial Government to the true American policy, and with no other object or intention than that of giving to the President of the United States the most authentic information and assurances—

The undersigned has the honor [etc.].

## 581

*Henry A. Wise, United States Minister to Brazil, to James Buchanan, Secretary of State of the United States*<sup>1</sup>

No. 33

RIO DE JANEIRO, *September 6, 1845.*

SIR: On the 25<sup>th</sup> ultimo His Excellency General Guido, Envoy &c of the Argentine Republic, called to say that he was instructed to lay before me, as Envoy of the United States at this court, all the correspondence of his Govern<sup>t</sup> in relation to late events at the River Plate. He described and discussed pretty fully the character of that correspondence, and said that, as soon as copies could be made, they should be furnished. The copies are not yet complete, but will soon be transmitted to your Department. Being thus formally called on for my views, I hesitated not to present them; but disclaimed from the beginning, that they should be considered as anything more than my own private and unofficial opinions upon subjects as to which I had no instructions and no part to act. I commenced by acknowledging a due sense of the compliment paid to the United States by the Govern<sup>t</sup> of the Argentine Republic in seeking the counsel of their Minister here; and, personally, I would endeavour to return it by presenting the results of my soundest judgment and gravest reflections, on the subjects submitted, for the consideration of General Rosas. After giving and pretty fully illustrating my views of the true policy of Argentine Republic, General Guido seemed so pleased with them as earnestly to request written memoranda. I consented to present him with a confidential brief and concluded by asking him pointedly:—"Would the Argentine regard it as unfriendly on the part of the United States should they, at the coming session of Congress, recognize the Independence of, and appoint a diplomatic representative to the State of Paraguay—"? He replied that he could only express confidentially his private sentiments on that subject. That, thus understood, he was emphatic in the sentiment that Paraguay *should* be acknowledged:—that time, and inability to subdue that State, had clearly established already her right to be recognized, and he thought it the undoubted policy of General Rosas to

<sup>1</sup> Despatches, Brazil, vol. 14.

proclaim her independence. On the 28<sup>th</sup> Ultimo I sent to General Guido a brief of the Memoranda of the views expressed to him on the 25<sup>th</sup> a copy of which is inclosed marked "A"—<sup>1</sup> These Memoranda speak for themselves, and you will gratify me very much by saying whether they are approved, and whether I acted properly in presenting them at all under the circumstances? The letters from M<sup>r</sup> Hamilton assure me that General Rosas, to the surprise of every body, sacredly regarded the persons and property of English, French and all foreigners in Buenos Ayres. And the last advices contain a proclamation by him, declaring a general Amnesty to all his internal enemies, the Unitarians, restoring to them their confiscated rights, and inviting them back to their homes, and pledging them protection and security. This, his true policy, has excited no little sympathy in his behalf, and taken the armed intervention aback. No less than 1500 foreigners in Buenos Ayres have formally protested against the armed intervention by England and France—The enclosed copies, marked—"B," from the letters of M<sup>r</sup> Hamilton will give you the particulars of the latest news.<sup>2</sup> By the by, ought we not to

<sup>1</sup> Above, this part, doc. 579, note 2.

<sup>2</sup> The following are the pertinent portions of two letters from U. S. Consul Hamilton which were enclosed with this despatch from Wise:

*Private*

MONTEVIDEO, August 10, 1845.

MY DEAR SIR. . . . The Argentine Govern<sup>t</sup> having refused to accede to the requirements of the English and French Ministers viz to withdraw its troops from the Oriental territory and its Naval Forces from the Waters of Monte Video the latter Functionaries demanded and received their pass-ports on the 1<sup>st</sup> Inst. and embarked for Monte Video where they arrived on the 2<sup>nd</sup> a few hours after which Admiral Brown in Command of the Argentine Naval Forces near this port consisting of one Ship two Brigs and two Sch<sup>rs</sup> got under way with the intention of proceeding with them to Buenos Ayres when they were immediately fired upon by the English and French Vessels of War the Squadron struck their flags and surrendered as captives to a superior force they were then taken possession of as prizes to the combined Naval Forces of England and France and brought into this port and dismantled and subsequently the Crews were all taken out and the English and American Seamen were landed here. Admiral Brown his officers and Argentines were conducted to Buenos Ayres in the "Fire Brand" Steamer of Americans there are about 30 landed in this besieged city without the means of subsistence and are dependant on this Consulate for the necessities of life had I been aware of the intention to land them here I would have endeavoured to prevent it and would have requested the landing of them at Buenos Ayres where our Consul could have provided them with passage home the Boston has taken a few of them the rest are on my hands at the expense of our Government and interrupting me every moment while at my desk. The Capture of Brown's Squadron appears to me to have been a *high handed* and *premature* measure and smells strongly of the Copenhagen Affair—The British Ship of War the "Comus" as is customary fired a shot *ahead* of the Admirals Ship not so with the French Brig "Dasses" [Dassas?] which crossed the Stern of Brown and fired a raking broadside *into him* the Admiral B. complains bitterly of such unnecessary and unexpected hostility on the part of the latter the shot entered his cabin windows and swept his "tween decks" but all his men being above escaped injury.

I enclose you a very interesting paper received yesterday from the "Camp" of General Oribe containing the official letters of Admirals Inglefield and Lainé to General Oribe and the answer of the latter through his Secretary alias "Minister of Foreign Affairs" Carlos Villademoros. I would recommend that you get them translated and feel assured that my friend Col Coe would do it for you with pleasure you will take much interest in the subject matter of the same.

We have accounts from Buenos Ayres to the 5<sup>th</sup> Instant informing us that Rosas had already ordered some three or four Vessels deeply laden with stone to be sunk in the



have a chargé immediately at Monte Video? If one be appointed, the Government could not find a fitter person than the gentleman, M<sup>r</sup> Hamilton, who now so faithfully and ably discharges the duties of the Consulate there. I beg pardon for obtruding my recommendation, but you may rely on it, Sir, that the interests of the United States would be greatly subserved by making M<sup>r</sup> Hamilton Chargé de Affairs at Monte Video, as soon as it can be done. Such is not only my opinion, but that of our leading Commercial men here. He has been keeping a regular journal, a good history, in fact, of events at the River for years. Having forwarded it to me, from time to time, as a private paper for my use which I have found of great service, I have requested him to send a copy of it, complete, to the Department of State. It is somewhat tinged with the Montevidean coloring, but is more full and accurate in its statement of events than any other source of information I know of. The most important information in his last letter to me is that of the threatened seizure of the isle of Martin Garcia which lies at the Confluence of the Paraná and Uruguay rivers, and commands the whole trade of the La Plata and of

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channel of "Martin Garcia" to obstruct, the navigation of the Paraná and Paraguay Rivers and that so soon as he heard of the capture of his squadron he instantly ordered some four or five vessels more to be sunk for same purpose we have not yet heard of any outrages being committed on the persons or property of Foreigners at Buenos Ayres but they are anticipated the probability is that Rosas will place an Embargo on all British and French property and issue a Decree of Non-Intercourse with those nations if so a Blockade of Buenos Ayres and War will be the result to the great injury of the foreign Merchants.

The "Firebrand" Steamer is looked for hourly from Buenos Ayres with the hope that there may be something favorable from Rosas if not active hostilities on the part of the English and French will be brought into operation the storming and taking "Martin Garcia" is talked of as the first step it is strongly fortified and garrisoned with Eight hundred men and commands the entrance of all the tributary streams to the River Plate consequently of vast importance if taken the obstructions in the channel placed by Rosas can soon be removed when the upper provinces at War with Rosas will be enabled to find a market for their produce at Monte Video and thus a valuable trade will be opened to the Commercial community at this besieged city and the efforts of Oribe to prevent it paralyzed. . . .

I am, Sir, very truly [etc.].

*Private*

MONTEVIDEO, August 17, 1845.

MY DEAR SIR: We had been waiting with intense anxiety the last ten days for an arrival from Buenos Ayres in expectation of some important news and last evening the "Fire-Brand" made her appearance but nothing particularly interesting was brought by except that all was perfectly tranquil and that foreigners in general placed great confidence in Rosas that he would not suffer the slightest outrages to be perpetrated on their persons or property this may be looked upon as a matter of policy on his part whereby the sympathy of other nations may be attracted to his cause.

I am under the impression that the Agents of England and France do not intend to direct their hostilities any further (After capturing the squadron) against Buenos Ayres but will confine their operations to Oribe and his Army all the sundry small ports in his possession will be strictly Blockaded with the view of cutting off his supplies.

Browns Squadron yet remains in this harbour dismantled it is said however the two Sch<sup>rs</sup> will be fitted out immediately under English colors and used for blockading purposes.

I enclose you herewith the "British Packet containing a furious publication in regard to the course pursued by the English and French Admirals you must bear in mind that said paper is a Gov<sup>t</sup> organ and entirely under the controul of" Rosas who revises it.

Believe me Dear Sir [etc.].

the Interior of South America— Therein lies the whole secret of this armed intervention by England and France. Calling on the Minister of Foreign Affairs, on Tuesday the 2<sup>nd</sup> Inst I informed him that I had just heard of the probable occupation of this island by the armed intervention; that it excited my apprehensions; that I had, at the request of General Guido furnished him with my private views long ago expressed to him the Minister; that the United States representative at Buenos Ayres M<sup>r</sup> Brent had urged upon me the policy of neutrality on the part of Brazil; but if England and France proceeded to occupy posts commanding the whole trade of South America, Brazil would have to do more than to be neutral and the United States would undoubtedly have a word to say in the way of protest and remonstrance. The Minister replied, most earnestly, that he desired to be furnished with a copy of my views as presented to General Guido; that I might assure M<sup>r</sup> Brent of the strictest neutrality on the part of Brazil; and that the Imperial Govern<sup>t</sup> desired nothing more than a definitive treaty of permanent peace with the Argentine Republic, which would retire all intervention and settle all the difficulties of the four South Eastern South American States; and that Brazil would never acquiesce in the armed intervention of England and France farther than they were justified by Conventional and international law to interpose for the immediate suppression of raging hostilities. As I left the Office of Foreign Affairs I met General Guido and informed him of what I had said and of what assurances I had obtained; and inquired whether he had any objection to furnishing the Minister of Foreign Affairs with my Memoranda to him. He approved of my doing so. Consequently, on the 4<sup>th</sup> Inst, I sent to His Excellency the Minister a copy,<sup>1</sup> and also forwarded copies to M<sup>r</sup> Hamilton, at Monte Video, and to M<sup>r</sup> Brent, at Buenos Ayres. My object has been to prevent jealousy, and war perhaps, between Brazil and the Argentine Republic; to cease hostilities at the River between the latter and the Banda Oriental; to, thereby, retire the armed intervention of England and France; to obtain the proclamation of the independence of Paraguay, and the permanently adjusted peace, and boundaries and trade of all South Eastern South America; and, by all means, to secure advantages, at all events equality, to the Commerce of the United States. You will see and say whether I have gone the right way to work out these desirable ends. You may be assured that we now stand on the best possible footing with all the South American Powers in this section of the continent. Please instruct me on these great subjects. . . .<sup>2</sup>

With the highest personal and official regard [etc.].

<sup>1</sup> For his note of transmittal, see above, this part, doc. 580.

<sup>2</sup> The omitted portion relates to claims and other matters not pertinent to this publication.

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*General Tomás Guido, Argentine Minister to Brazil, to Henry A. Wise, United States Minister to Brazil*<sup>1</sup>

D. Confidential

RIO DE JANEIRO, September 14, 1845.

I am very unwilling to trouble your Exc<sup>y</sup> at present while in such distress on account of the illness of your child, but Your Exc<sup>y</sup> will appreciate my official duty and excuse this letter.

Yesterday it was understood that M<sup>r</sup> Hamilton had determined, by a species of agreement with the Commanders of the "Racer," the "Grecian," the "Resistance" & the "Cyclops," English vessels of war, to send to Montevideo & place at the disposal of the British Admiral on that station the English regiment N<sup>o</sup> 45 which had arrived in this harbour on its way to the Cape of Good Hope.

This intelligence is confirmed by the journals of to-day; & all the information which I have obtained from respectable persons who are in communion with M<sup>r</sup> Hamilton goes to corroborate the statement.

I need not offer any reflections to Your Exc<sup>y</sup> upon the importance of this event. Your Exc<sup>y</sup> is well aware that whatever may have been the origin of this measure, its object is the consolidation of English influence in Montevideo, whilst it must give fresh provocation to the national exasperation of the Republics of the Rio de la Plata.

For my part, I have called the attention of S<sup>r</sup> Limpo de Abreu to the matter both confidentially & officially. I know not how the Cabinet of Brazil in presence of the preliminary convention of peace of 1828, can misunderstand the subject, and still less do I understand how that can be called national authority which exists in Monte Video under foreign bayonets, or how the Empire can maintain diplomatic relations with it in defiance of the national sentiment of the Republic of Uruguay, which resists in mass the unjust aggression of the maritime Powers of Europe.

I presume that your Exc<sup>y</sup> is already informed of the attempt of the Commander of the Grecian to fit out steamers in this port for the Rio de la Plata, & that the "Paranapitaya" has been hired for 4 months. There seems to me no rashness in supposing that these vessels are destined for the navigation of the Paraná & the Uruguay, in spite of the absolute right of the riparian States to forbid traffic there to foreigners.

The noble interest which Your Exc<sup>y</sup> takes in the independence & welfare of the States of America, & particularly of my country, does not permit me to doubt that you will give your attention to this new circumstance; and above all, I have deemed it my duty to mention to your Exc<sup>y</sup> what I had represented to S<sup>r</sup> Limpo in regard to the direction of the English troops.

<sup>1</sup> Despatches, Brazil, vol. 14, enclosed with Wise to the Secretary of State, No. 34, below, this part, doc. 583.

I will call upon Your Exc<sup>y</sup> at my earliest leisure & make my acknowledgments of the esteemed note which accompanied your important memorial & at the same time furnish Y. E. with copies of the correspondence between my Gov<sup>t</sup> & the intervening Ministry of England & France, the contents of which I have already communicated to Your Exc<sup>y</sup>.

I have [etc.].

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*Henry A. Wise, United States Minister to Brazil, to James Buchanan, Secretary of State of the United States*<sup>1</sup>

[EXTRACT]

No. 34

RIO DE JANEIRO, September 26, 1845.

SIR: . . . I transmit also the copy of a letter marked "C," I have just rec<sup>d</sup> from M<sup>r</sup> Consul Hamilton, at MonteVideo,<sup>2</sup> showing his efficiency in

<sup>1</sup> Despatches, Brazil, vol. 14.

<sup>2</sup> The pertinent portion of the letter from Consul Hamilton follows:

*Private*

MONTEVIDEO, September 2, 1845.

ESTEEMED SIR: . . . I mentioned in my last communication that the Argentine Squadron had been dismantled in this port, since when, the Vessels (with the exception of the ship) have all been refitted for service by the English & French, two of them a Brig & Sch<sup>r</sup> have been added to the Flotilla of this Gov<sup>t</sup> under the *Oriental Flag* the balance have been divided between the English & French, under the respective flags of those nations; On the 28<sup>th</sup> ult<sup>o</sup> the Flotilla of this place, consisting of light schooners with pivot guns, and two Brigs, departed on an expedition up the River, under the command of Garibaldi, an Italian of great experience & bravery, the Steamer Firebrand with Admiral Ingfield on board, & several other English & French ships of War, accompanied the Flotilla, taking with them some fifteen hundred men, English, French, Orientals & Italians, the object of this expedition is said to be the taking possession of Colonia, Mercedes & other small ports which are occupied by Argentine troops, under the command of Oribe, as also to open the Parana & Uruguay for commercial purposes; we are yet ignorant of the result, nothing having arrived from Colonia since the departure of the Fleet.

I enclose a Copy of a Decree published at Buenos Ayres 27<sup>th</sup> ult<sup>o</sup>: [Below, this footnote.—Ed.] forbidding all intercourse with the *Vessels of War* of England & France—Gen<sup>l</sup> Rosas is aware of the disposition made of his squadron, but remains tranquil for the present, on the score of retaliation; some five or six vessels with cargoes averaging £30,000 each, destined for B. A<sup>z</sup> from Liverpool, are daily expected to arrive, & I am under the impression that he is waiting for this augmentation to the British interests in B. A<sup>z</sup> when, like the Crouching Lion, he will spring upon his prey & hold it as indemnity for the hostilities practised on his squadron & then decree a non-intercourse in general with France and England—this is mere supposition on my part, "Veremos." The Montevideo Gov<sup>t</sup> (in imitation of the English & French) published a Decree on the 19<sup>th</sup> ult<sup>o</sup> declaring all the ports of the Republic which were occupied by the enemy, under rigorous Blockade, from the date of said Decree; Maldonado is at present Blockaded by H. B. M. Ship *Comus*, & the Buco by the French Brig "*Pandor*," & the flotilla of Montevideo will probably attend to the minor ports of the Uruguay.

September 5<sup>th</sup>

A French Brig arrived last evening from Colonia, bringing the intelligence of the surrender of that place, to the combined forces, of Eng<sup>d</sup> France & Oriental, after some show of resistance, on Sunday last 31<sup>st</sup> ult<sup>o</sup>—little or no bloodshed, on either side, a few shells from the shipping were all sufficient, & the Oriental flag was hoisted, & the place garrisoned by Italians & Orientals, several guns have been landed to better fortify the

causing the repeal of the war duty on our flour in the ports of the Banda Oriental; & the progress of the armed intervention—which should now be called the armed *invasion* by England & France of the Argentine Republic. They have taken Colonia & evidently mean to occupy the islands & other positions commanding the trade of the Parana, Uruguay & Paraguay rivers.

For the last few months my youngest son had been in a very weak state, and about the beginning of this month he sank so suddenly that I apprehended his death every moment for a week. Watching his couch, a great deal of fatigue and breach of rest prostrated me also, & not until the last few days have I been able to think of work. During my sickness, I rec<sup>d</sup> from the Buenos Ayres' Minister, Gen<sup>l</sup> Guido, a note in Spanish of which the inclosed marked "D" is a rough translation.<sup>1</sup> I could not attend to its subject at the time; & being still unwell, I sent M<sup>r</sup> Walsh, on Tuesday the last Audience day, to confer with the Minister of Foreign Affairs:—1<sup>st</sup> As to the John S. Bryan & other claims of the U. States:—2<sup>d</sup>—As to the subject of Brazil allowing England to fit out steamers in her ports for the war at the Plate, & the necessity of strict neutrality on the part of the Imp<sup>l</sup> Gov<sup>t</sup>:—3<sup>d</sup> As to the views presented by me to Gen<sup>l</sup> Guido on the true policy of Gen<sup>l</sup> Rosas at this crisis, copies of which have been sent home & to the Minister of Foreign Affairs. On Wednesday, the 26<sup>th</sup>, Mr Walsh reported to me by note of which the inclosed marked "E" is a copy.<sup>2</sup> From this you will see that the

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place, & it will be made a very stronghold, under the direction of English & French Engineers, several persons Eng<sup>h</sup> & French, residents of Colonia & its vicinity, have been made Prisoners & sent some few leagues into the interior, by the "Blancos," & it is much feared that they will fall victims to their vengeance. Believe me [etc.].

The blockade of B.A.<sup>s</sup> is likely to ensue shortly—

H. A. Wise Es<sup>r</sup>

*Decree of the Government of Buenos Ayres*

[TRANSLATION.]

Buenos Ayres, August 27, 1845.

In consequence of the offensive, and hostile proceedings of the Naval forces of H. B. M. & of H. M. the King of the French, against those of the Argentine Confederation, and their coercive aggressions against the Republic, and in precaution of the consequences that may ensue, which the Government is sincerely desirous of averting, it has resolved, and Decreed;

Art 1<sup>st</sup> All kind of communication direct, or indirect, with the Vessels of War of H. B. M. and of H. M. the King of the French, in this port, in those of the province, & on its coasts, and in the ports, and on the coasts of the Republic, is for the present, and until otherwise ordained, prohibited.

Art 2. Any person contravening the foregoing resolution shall suffer the Penalties which the Government may deem proper to inflict, according to the circumstances of the case."

<sup>1</sup> See above, this part, doc. 582.

<sup>2</sup> The pertinent portion of Mr. Walsh's note to Minister Wise follows:

*September 24, 1845.*

DEAR SIR: . . . The paper given to Gen<sup>l</sup> Guido he had attentively read, but he thinks it is too late to hope for the withdrawal of England and France, whatever may be the measures adopted by Rosa's. His conviction evidently is that they intend to keep what they have got, and to get as much more as they can—*interveningly* if possible, openly

Minister of Foreign Affairs concurs fully in my apprehensions as to the real designs of England & France. What Doria said in respect to Rivera was surprising to me. M<sup>r</sup> Walsh tells me this morning, however, that it is greatly doubted whether it can be correct. The appropriation for the J. S. Bryan claim is made & it "will be paid forthwith." The answer as to the other claims, you see, is in the same key of the gamut.

By letter dated Sept<sup>r</sup> 12<sup>th</sup> M<sup>r</sup> Hopkins had reached as far as Rio Grande. He had a long passage from Rio de Janeiro to that place. He would proceed to Rio Pardo by steamer the next week. He says his journey is surrounded by difficulties almost insurmountable. He has, however, an excellent guide; & hopes to be in Assuncion in 20 days from Rio Pardo. He adds; "Bolivia has recognized the independence of Paraguay."

I am very weak & must conclude. [etc.].

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*Henry A. Wise, United States Minister to Brazil, to James Buchanan, Secretary of State of the United States* <sup>1</sup>

[EXTRACTS]

RIO DE JANEIRO, November 24, 1845.

SIR: . . . When M<sup>r</sup> Edw<sup>d</sup> A. Hopkins, the agent of the U. States for Paraguay, was here, he addressed to me a letter & account with the U. States of which the inclosed marked "K" are copies.<sup>2</sup> I hope that by this time he is there, & I regret deeply that he was not there some months previous; for yesterday the official Journal of Rio de Janeiro, announced the news, via Rio Grande, that Paraguay had perpetrated the egregious & fatal folly of entering into a treay offensive & defensive with Corrientes, and had stipulated to furnish an army of 10,000 men to be placed under the command of Gen<sup>l</sup> Paz in the war against Rosas or the Argentine Republic. This news seems to be too authentic & positively stated not to be true, & yet it is so bad for the prospect of Paraguay that I would willingly doubt it. If it be true, it should postpone the recognition of her independence by us, until it be established by the result of successful war. England & France, I apprehend, have incited Paraguay to this suicidal step, & if it has been taken, they, I have no doubt, have supplied in part the means of hostilities. A universal war in S. Eastern

if they must. The Montevidean minister, kept me waiting nearly an hour in the ante room so that S<sup>ar</sup>. Limpo must have been pretty full of the subject by the time I was admitted to his presence. I was told by Doria, the Sardinian Chargé, that he knows officially, that the Government of Montevideo have forbidden the return of Rivera; and given directions to stop any vessel in their waters in which there is a suspicion of his being a passenger.

Hoping that you are better I am [etc.].

<sup>1</sup> Despatches, Brazil, vol. 14.

<sup>2</sup> Not pertinent to this publication.

S. America but promotes their policy of plunder & aggrandizement. We have heard but little of the movements at the River Plate since their seizure & occupation of Martin Garcia. They are obviously bent on commanding the outlets & inlets of the Interior of all South America; & every day's events but confirm the views of my memorandum<sup>1</sup> prepared for Gen<sup>l</sup> Guido & heretofore forwarded to the Dep<sup>t</sup>s of State here & at home. I send you a pamphlet containing the "Declaration of the Blockade of B. Ayres" by M<sup>r</sup> Ouseley & Baron Diffaudis. This declaration is baseless; there is no foundation for it in the conventions & treaties to which it refers. But even if there were grounds & good grounds for mediation, or armed intervention, or war; yet either of the two latter alternatives would have to be pursued by the respective *Sovereignities*, not by their *Ministers* ex meri motu. A war, in fact, carried on by two joint *intervening Ministers*, as they are called, against a third power, whilst by treaty & without any declaration whatever to the contrary, the respective *National Sovereignities* are in a state of profound *peace*, is an anomaly in present unparalleled in past history. It raises singular & unprecedented questions for neutrals to decide in defence of their Commerce, in cases where actual war rages & no war in any legitimate form exists. I should not like to be either M<sup>r</sup> Brent or the Commander of the U. States Naval forces at the River Plate, because responsibilities might be thrown on me which I should reluctantly but surely take at all hazards if there were no instructions to the contrary. . . .

Hoping that this despatch may fill the chasm of my late silence, I have the honor [etc.].

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*Henry A. Wise, United States Minister to Brazil, to James Buchanan, Secretary of State of the United States*<sup>2</sup>

[EXTRACT]

No. 36

RIO DE JANEIRO, December 16, 1845.

SIR: . . . By the accompanying N<sup>o</sup> 4<sup>3</sup> you will see, Sir, that the invasion of the armed Intervention at the River Plate has commenced in bloody earnest. England & France to prevent Rosas from cutting the throats of *tens* have humanely intervened to slay *hundreds*, if not *thousands*, of the devoted Argentines. God grant that these may be the last victims sacrificed to that lust of dominion which the Two Powers have so vainly attempted to cloak under the other names of mediation & intervention; or that their sacrifice may propitiate the fates of S. America to preserve her from the tender mercies of British & French ambition & arms. It is remarkable that so

<sup>1</sup> Dated, August 27, 1845, above, this part, doc. 579, note 2.

<sup>2</sup> Despatches, Brazil, vol. 14.

<sup>3</sup> Printed; not included in this publication.

much damage was done to the French, in comparison with that done to the English, unless we note the fact that the guns of the Argentine batteries *were worked by Englishmen*, as stated by the letter of the English officer whose report is inclosed. Note too, that the dead & wounded were almost entirely *negroes*. Rosas will make them & all the rabble meet the front of the invasion first, & then he will bring up his chosen & élite forces. The latter, the English & French can never conquer on the land. But the navigation of the rivers they will open, & they will monopolize their trade to compensate them for the cost of conquest. I fear they will or may obtain some pretext of monopoly from Paraguay, in consideration of recognizing & guaranteeing her independence. The negroes were repeatedly, after evacuating, driven back to the batteries by the regulars of Rosas in the rear, & when they finally fled from the storming party of the English there was an actual skirmish between them & the troops at their backs to compel them to return to the guns. This is singular warfare for this age of the world!

Nº 5<sup>1</sup> is a collection of the Diplomatic Correspondence between the Banda Oriental & the Argentine Republic. You will find in its perusal, Sir, that the diplomacy of M<sup>r</sup> Ouseley, especially, has been alike tainted by duplicity & fraud, & diluted by weakness & folly. His blunders, & the bullying of the French have left the policy of England & France *warningly* naked to the eye. They have insulted M<sup>r</sup> Brent by returning to him his Protest ag<sup>t</sup> the blockade, unanswered, simply endorsing it "received," & making a point to send it back to him by a Post Captain of the British Navy. But the best of it is that, according to M<sup>r</sup> Hamilton (Con. at M. V.) the Two Powers are themselves ready to quarrel already with each other. They are urging Brazil to join, & reproaching the Brazilian Gov<sup>t</sup> for not joining the armed Intervention. I, with the Russian Minister, Lomonosoff, have succeeded thus far in prevailing on Brazil to maintain the strictest neutrality. And, indeed, M<sup>r</sup> L. de Abreu is very jealous already of the ultimate designs of the Intervention. I have essayed all means to impress upon him, as I would most earnestly, on my own Gov<sup>t</sup>, the important reflection that *the last grand development of unexplored country upon earth is the Interior of S. America*. The command of its trade, the richest of the world now in prospect, is a magnificent prize of acquisition; & the Parana & Paraguay rivers are the life-flowing veins & arteries of its outlet & inlet. England has Martin Garcia by conquest. She now holds the mare clausum with arms in her hands,—will she ever relinquish it? A thousand pretexts will prolong her holding on with all the mighty grip of her "lion seeking" what profits of dominion & trade he may next "devour." The cost of *the war for peace* will all be counted, somebody must pay it before G<sup>t</sup> Britain restores the conquest, & what nation of Gauchos will be able to satisfy the demands? Besides, she

<sup>1</sup> Printed; not included in this publication. This is an issue dated, November 5, 1845, of the "*Archivo Americano*" covering 165 pages, quarto size, in three languages, Spanish, French, and English, in parallel columns.



will fortify her monopoly, I repeat, by stipulations of some sort with Paraguay. I call again, therefore, the most earnest attention of the Pres<sup>t</sup> to the affairs of the River Plate. The U. States, I know, desire only peace & an *equality* of commercial privileges; but the armed intervention has brought nothing but war & devastation instead of peace, & is our commerce not in danger of losing its equal privileges by the British & French arrangement of the affairs of South Eastern S. America? If not before, next to the Oregon question, the issues of the River Plate are the most important to the U. States. Trying to convince you of the importance of the subject I leave its treatment in your hands.<sup>1</sup> . . .

I have the honor [etc.].

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*Henry A. Wise, United States Minister to Brazil, to James Buchanan, Secretary of State of the United States*<sup>2</sup>

[EXTRACT]

No. 37

RIO DE JANEIRO, *December 23, 1845.*

SIR: The frigate Congress, Comm<sup>dre</sup> Stockton, arrived here day before yesterday, bringing the original of your despatch N<sup>o</sup> 18.—I had before rec<sup>d</sup> & answered its duplicate, which arrived here in the Courier. The Congress was 52 days on her passage.

Friday last I sought an interview with S<sup>r</sup> de Abreu & called his attention to the obligations of the U. States under the 9<sup>th</sup> Art. of our treaty with England of 1842, according to your instructions. I was special in a disclaimer of any intention to interfere with the domestic policy of Brazil at all & desired to be understood only in the sense of making a separate friendly representation of the desire of the U. States that Brazil should by her own means & in her own way arrest the foreign slave-trade to her dominions, & destroy the market for slaves from Africa in her territory. He made a note of my representations which, in all respects, I endeavored to make conformable to your instructions, & evidently rec<sup>d</sup> the same without displeasure or the semblance of objection. Our interview on other topics was continued to

<sup>1</sup> The omitted portion is not pertinent to this publication. A copy of the following letter from U. S. Consul Hamilton at Montevideo was found enclosed with Wise's despatch, though not mentioned in it:

MONTEVIDEO, *November 29, 1845.*

MY DEAR SIR: A hard battle has taken place, between the combined forces of England & France, and the Buenos Ayrean batteries, some short distance above the "boca" of the Parana, and Uruguay, I have merely time to enclose you the Bulletin just published leaving you to get it translated; the statement given you may rely upon as correct, the News having been brought hither by a British Officer, from the Parana; War has now regularly commenced, God only knows *how*, and *when* it will end, *Lieut Doyle* not mentioned in the Bulletin, is desperately wounded, and probably dead—

Yours most truly.

<sup>2</sup> Despatches, Brazil, vol. 14.

some length. He asked for my news of affairs at the River Plate. I related to him my information of the battle of the Parana, told him of Mr Brent's protest & the insult to him by Ouseley & Diffaudis, & brought to his consideration the question of their requiring bonds of American vessels at Montevideo before allowing them to sail to ports of Brazil, & urged upon him that his Gov<sup>t</sup> was interested as we were in opposition to such bonds. He said that question was referred to the Council of State. I replied that it could be no *question* with Brazil because when she formerly, during her war with B. Ayres, had demanded such bonds of our vessels, it was resisted by the U. States & indemnities were paid therefor by Brazil. The latter would not surely allow her commerce to be interrupted by the same means for which she had indemnified other powers. But, I said, it is currently reported that England & France are pressing upon the Imp<sup>l</sup> Gov<sup>t</sup> to unite with them in the joint armed intervention—Is that true?—No, was the reply. I urged neutrality as the true policy of Brazil, & he assured me of her neutrality. He then asked what prospect of the recognition of Paraguay by Rosas?—I replied that the folly of the treaty of Paraguay, offensive & defensive, with Corientes, answered that. He asked what the U. States would do? They would have recognized, I think, but for that treaty & for a *pending* war now on the part of Paraguay with the Argentine Republic. That may postpone our recognition, but in the end the independence of that Country is certain. Knowing that it was no longer a secret at the River that we had an agent at Assumption, & having got his passports most kindly from this Minister through Brazil, & not wishing him to be informed by any one before by me of such an agent, I then told him we had an agent already there—not to treat but to procure information; & I would be most happy for the U. States & Brazil & their agents at Assumption to have a friendly understanding & interchange of views as to that Country. I trust I did right in this. He seemed pleased & to assent. I said all we wanted was equality of commercial privileges with other powers, & we would not assent to a monopoly on their part to any extent or in any degree whatever. We wanted the Parana & Paraguay opened to ourselves & to Brazil. He said Rosas would not consent. I replied:—let Brazil establish ports of entry on the Rivers, say to U. States, to France, England & all the world:—"You shall have the same rights of ingress & egress to these ports as our own vessels, & as you have to the Atlantic ports of Brazil"—& the rights of Brazil would so become the rights of the world that Rosas could not long withstand them.—Much more was said, but the end was a good understanding between us. . . .

With the highest possible regard [etc.].

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*Henry A. Wise, United States Minister to Brazil, to James Buchanan, Secretary of State of the United States*<sup>1</sup>

[EXTRACTS]

No. 38

RIO DE JANEIRO, *January 11, 1846.*

SIR: I hasten to forward to you the inclosed dispatch from Mr. Hopkins,<sup>2</sup> which, through the courtesy of the Imp<sup>l</sup> Gov<sup>t</sup>, reached me on the 9<sup>th</sup> inst. It was sent to me *open*, for my perusal; & I find it & the accompanying documents from the Gov<sup>t</sup> of Paraguay so full that I have nothing to add upon the general question whether that Republic is in the condition to be recognized as an independent nation. The only obstacle I see to the recognition is the treaty with Corrientes & the war now declared ag<sup>t</sup> Rosas; but the latter may possibly be arrested, & you will see that M<sup>r</sup> Hopkins, under his instructions, has fully committed the President on the subject of the recognition, & has tendered the good offices of the U. S. in mediation with the Argentine Gov<sup>t</sup>. So far as M<sup>r</sup> Hopkins alludes to my having written to the Dep<sup>t</sup> "some time since for general powers to proceed to the River Plate," he has done so entirely on his own motion & without seeming to understand precisely the object or purpose of the suggestion which I ventured to make more than twelve months ago. I do not seek any such general powers nor for any object whatever, though if the Pres<sup>t</sup> should see fit to entrust me with any powers in relation to the settlements which ought to be made of the affairs of S. E. S. America, I will cheerfully exert the best faculties with which I am endowed to execute them to his satisfaction & to the honor & interest of our Country.

Mr. Hopkins has resolved to remain in Paraguay until he receives advices from me. I think it highly important for us to have an agent at Assumption, at this moment of the approach of the expedition of the Armed Intervention of England & France, & shall advise him to remain & await your orders. The Brazilian Gov<sup>t</sup>, now fully informed of and highly pleased at his agency, has kindly offered to inclose & forward all my communications to him; & indeed, there is no other way of communicating with him. M<sup>r</sup> L. de Abreu starts despatches for Paraguay on Tuesday mg. next, & I shall by that opportunity write to M<sup>r</sup> Hopkins.

I will immediately write to M<sup>r</sup> Brent to use his influence with Rosas to prevent any invasion of Paraguay, & to obtain, if possible, from him some pledge or guarantee to that effect, & to urge upon him the policy of our recognizing Paraguay & neutralizing her formidable powers. Com: Rouseau will sail for the River in a few days, & it is a great pity that he has not

<sup>1</sup> Despatches, Brazil, vol. 15.

<sup>2</sup> Not filed with Wise's despatch. It was presumably addressed to the Secretary of State rather than to Wise; and, if so, is probably among Hopkins's despatches below, in the volume and part containing Communications from Paraguay.

a small steamer to ascend the Parana & some sort of diplomatic power to intercede between the Argentine on the one hand & the Banda Oriental & Paraguay on the other. Unless Paraguay be actually invaded, I think Pres<sup>t</sup> Lopez will delay as long as possible any expedition ag<sup>t</sup> Rosas. . . .<sup>1</sup>

Mr. Consul Hamilton has sent me the latest news, Dec<sup>r</sup> 17<sup>th</sup>,<sup>2</sup> from the River. I enclose a rough copy of a letter which he sent me from one of the engineers of the steamer "Firebrand" to his friend in M. Video giving the English acc<sup>t</sup> of the battle of Obligado on the Parana. I inclose also several papers containing the plan of that battle & the B. Ayrean account of it. The English & French, by last accounts, had just passed a place up the River called Rozario. M<sup>r</sup> Hamilton says to me: "The blockade of B. Ayres is strictly enforced, & I fear it is going to be a very tedious & complicated affair, the more I read & study your valuable doc<sup>t</sup> to Gen<sup>l</sup> Guido, the more do I become convinced of the correctness of your views in regard to the River Plate question." After lamenting the armed Intervention & a prolonged interruption of commerce, he adds: "Bolivia is said to be much opposed to this armed intervention, & I should not be surprised if she supplies Rosas with troops, if required." . . . "The Englishmen here publicly say that *there must be a provisional Gov<sup>t</sup>, that is an English gov<sup>t</sup>.*, until the country becomes permanently settled. I assure you, my dear Sir, that I am becoming alarmed, but on the other hand can England & France be so base &c. &c." Thus you can begin to see, Sir, the "end of the beginning" of this armed intervention, & no one can tell when we shall see the "beginning of the end" of it. . . .

With the highest personal regard [etc.].

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*Gaspar José de Lisboa, Brazilian Minister to the United States, to James Buchanan, Secretary of State of the United States*<sup>3</sup>

[TRANSLATION]

WASHINGTON, February 16, 1846.

Paraguay, a vast and rich country in South America, surrounded by great rivers, joining the Empire of Brazil on the North and East, the Argentine Confederacy on the east and South, and the Republic of Bolivia and Grand-Chaco on the west, was one of the first countries in that Continent, to declare its independence of the authority of its Spanish possessors.

Since the year 1811, Paraguay has always had a regular and independent

<sup>1</sup> The omitted portion relates chiefly to funds for Mr. Hopkins.

<sup>2</sup> Hamilton's letter is not included in this publication, since it is reviewed in Wise's despatch.

<sup>3</sup> Notes from Brazil, vol. 2.

Government, which has maintained order and tranquillity in the interior of the country, and has at the same time made itself respected by neighbouring States.

Having a soil fertile and abounding in productions of various sorts, and a population of more than five hundred thousand souls, Paraguay keeps up a disciplined army of five thousand soldiers, besides ten thousand militia men; its finances are in a good condition, and it navigates with its own vessels, the great rivers surrounding it.

Brazil, as its nearest neighbour, and as appreciating the admirable circumstances connected with this interesting country, hastened to recognize its political existence formally; and it has ever since 1824 cultivated relations of amity and good understanding with Paraguay, through the medium of agents, duly accredited near the Government of that country.

Recently, the people of Paraguay, having adopted political institutions more conformable with the enlightenment of this age, has thought proper, at the same time, to ratify the primitive act of its independence, by solemnly declaring its desire to continue to be governed as a free and sovereign nation; and the Imperial Government of Brazil, which has been officially informed of the fact, immediately ordered its Chargé d'Affaires, residing at Assumption [Asunción], to give its formal adhesion thereto.

The actual Government of Paraguay, being most desirous to enter into relations of amity and good understanding with the other nations of the civilized world, and having as yet no agents duly accredited to their respective Governments, has addressed itself to the Court of Brazil, with the object of soliciting the Governments of the other nations to recognize its political independence formally. The Imperial Government intimately convinced of the justice and propriety of this claim on the part of Paraguay, and always disposed to do whatsoever may contribute to the happiness and prosperity of the new States of the American Continent, has not hesitated to send, to the Undersigned, Envoy Extraordinary and Minister Plenipotentiary of His Majesty the Emperor of Brazil near the United States, its instructions, authorizing him to take the necessary measures with respect to the Government at Washington, for this purpose.

The Undersigned has therefore the honour to address the Honourable James Buchanan Secretary of State, in order to request his attention to the subject of the present note; and he at the same time prays him to submit it to the notice of the President, and to inform His Excellency, that the act of the acknowledgement of the independence and Sovereignty of the Republic of Paraguay, by the United States, will be considered by the Imperial Court of Brazil, as an evidence of good will on the part of the North American Union, towards the new States of South America.

The Undersigned avails himself of this occasion, [etc.].

*Henry A. Wise, United States Minister to Brazil, to James Buchanan, Secretary of State of the United States*<sup>1</sup>

[EXTRACTS]

No. 39

RIO DE JANEIRO, *February 18, 1846.*

SIR: In my last despatches I endeavored to keep you advised of the affairs of Paraguay. Continuing these advices, it is my duty now to inform you of most important events which have lately transpired, in respect to our own relations with that Republic. As soon as I was informed of the mediation of the U. States tendered by M<sup>r</sup> Hopkins and accepted by Pres<sup>t</sup> Lopez, I wrote to M<sup>r</sup> Brent, as I told you I would in my despatch N<sup>o</sup> 38.<sup>2</sup> The enclosed is a copy marked "A."<sup>3</sup>

On the 12<sup>th</sup> of Jan<sup>y</sup> last I wrote also to M<sup>r</sup> Hopkins. I expressed the hope to him that he had not gone further, on the point of mediation, than to offer merely the *good offices* of the U. States, whose settled policy never allowed them to involve themselves by any *guarantees*, or otherwise in the affairs of other nations. I was afraid that his tender of mediation, after knowing of the treaty with Corientes [Corrientes], and the war with the Argentine, would not be approved; but I was sure that the President would approve of it, if he could only be fully and accurately informed of the affairs of S. America, and could be made to realize as I did the pressing exigencies for our immediate action within the limits of our established policy. I informed him, that M<sup>r</sup> Walsh, my Secretary, would visit B. Ayres on board the corvette Plymouth, and that I should write to M<sup>r</sup> Brent, as I did.—I sent M<sup>r</sup> H. also extracts of my correspondence with the Department, and a copy of my brief or memoranda prepared for Gen<sup>l</sup> Guido,<sup>4</sup> which it seems, the Imp<sup>l</sup> Gov<sup>t</sup> had already approvingly sent to its minister at Assumption. This was sent to him, for the purpose of removing an impression which it seems had been formed in the mind of Pres<sup>t</sup> Lopez that I was charged with negotiations on the part of the U. States with Gen<sup>l</sup> Guido, the Argentine Minister here; and to assure him that I had attempted, on my own individual responsibility only, to promote the independence of Paraguay, without any act or authority of negotiation. I informed M<sup>r</sup> H. that, not long after he left Rio de Janeiro, it became known here that he was an agent of the U. States sent to Paraguay. That as soon as I was aware of this, which came to this place from Rio Grande do Sul, I had made a virtue of necessity, and in an interview with Snr. Limpo de Abreu, had disclosed to him in person the fact & general character of his agency. That I had expressed the wish to the Minister for F. Affairs of the Imp<sup>l</sup> Gov<sup>t</sup> that our Gov<sup>ts</sup> and their agents

<sup>1</sup> Despatches, Brazil, vol. 15.    <sup>2</sup> Of January 11, 1846, above, this part, doc. 588.

<sup>3</sup> Not included here since it has been included with Brent's despatch from Argentina with which he sent a copy; see above, vol. 1, pt. II, doc. 160, note 1, p. 319.

<sup>4</sup> See above, this part, doc. 579, note 2.

should understand each other fully & endeavor to co-operate cordially in the design of promoting peace between the South American States now at war, and of preserving neutrality among those already in peace. That the U. States sought only commercial *equality*, no exclusive advantages, & would exert themselves to prevent England & France, or any other power from obtaining by arms, or otherwise, any monopoly or undue advantage or influence in the adjustment of the political or commercial relations of this continent. That the Minister had expressed sympathy with these sentiments, and would, no doubt, instruct the Brazilian Minister at Assumption to cultivate the best understanding with our agent there. I advised M<sup>r</sup> H. whilst dealing frankly & in good faith, in his conferences with the Brazilian Minister, to obtain all the genuine information he could from him, and to make the best use of it. That, I trusted, separately and in concert with him, he would prevail on Pres<sup>t</sup> Lopez to postpone active warlike operations against Rosas as long as possible. That the *preparations* of Paraguay might awaken Rosas to a sense of his danger, & to the policy of acknowledging the Independence of that Republic without the loss of a drop of blood or the cost of a dollar. That peace was the policy of Paraguay, and war on her part might delay her recognition by the U. States for years. To press this urgently, and by all means to prevent Paraguay from falling into the snare of an alliance with England & France, even though they should offer to acknowledge & guarantee her independence. That they would not do so except for a quid pro quo in the form of advantages in trade, which would make it so bad a bargain for her that the Republic had much better rely on her own resources against Rosas, than to "fly to other ills she knew not of." Better run the slight risk of conquest by the Argentines, weaker than herself and now beset by internal & external foes, enough, without her aid, than to become the colonial-like dependant of European or any other Powers. That the example of European guarantees, real or pretended, in the affairs of the Banda Oriental and Buenos Ayres, was before our eyes. These were now no better than conquered provinces of England & France. Not to let Paraguay be involved in any such guarantees, but to prevail on her to avoid them with the utmost circumspection & jealousy. Her independence was sure without any guarantees, and by reposing merely on her arms, Neutrality & time would do all for her. At the same time she should be *prepared for the worst*. Such were my advices to Mr Brent and to M<sup>r</sup> Hopkins, when: *lo! the latter gentleman arrived here on the 9<sup>th</sup> inst, with a letter to me from Pres<sup>t</sup> Lopez*. The reason of this M<sup>r</sup> Hopkins' letter herein to you, left open with me, President Lopez' letter to me of which the inclosed marked "B" is a copy and my letters to M<sup>r</sup> Hopkins<sup>1</sup> and to Comd<sup>re</sup> Rousseau,<sup>2</sup> of which are

<sup>1</sup> The letter to Wise from President López, dated December 28, 1845, was quoted in Wise's letter to Hopkins, of February 11, 1846, for both of which, see above, vol. I, pt. II, doc. 164, note 1, p. 330; copies were sent to the Department by Brent, the chargé d'affaires at Buenos Aires.

<sup>2</sup> The letter to Commodore Rousseau is not included in this publication.

inclosed copies marked "C" & "D," will explain. The very hour of my meeting M<sup>r</sup> H. at my house I found a note from Snr Limpo de Abreu urgently requesting a conference with me at the hour of ten A. M. the 10<sup>th</sup> inst. I availed myself of this appointment to introduce M<sup>r</sup> Hopkins & to discuss the affairs of Paraguay. Suffice it to say that I found the policy of Brazil perfectly in accordance with that of the U. States, & the results of my interview were such as are described in my letter "C" to M<sup>r</sup> Hopkins. Comd<sup>re</sup> Rousseau sailed on the 12<sup>th</sup> inst, with both the Columbia & the Saratoga, & M<sup>r</sup> Hopkins took passage on board of the latter, bearing a letter of special recommendation from the Minister for Foreign Affairs here to the Legation of the Imp<sup>l</sup> Gov<sup>t</sup> at M<sup>r</sup>Video and to its Consulate at B. Ayres.

In recommending M<sup>r</sup> Hopkins to pursue the course he has, and in the steps which I myself have taken in the important matter of his agency, I have followed the suggestions of my calmest judgment and of my best reflections. My motive has been the patriotic one only of doing the best I could for my country, without compromising her honor, or peace, or policy in the least degree. I have endeavoured to guard M<sup>r</sup> H. at all points, by giving him in limine my own views & by referring him to the sager counsels of M<sup>r</sup> Brent & Comd<sup>re</sup> Rousseau. And if we have all gone too far in assuming the responsibility of M<sup>r</sup> Hopkins' going to B. Ayres as a bearer to M<sup>r</sup> Brent of the mediation of the U. States, between Gen<sup>l</sup> Rosas & Paraguay; it must be remembered that he was duly authorized to tender that mediation; that it has been accepted in a manner the most flattering and promising, the best fruits to the U. S. that no mode was pointed out in his intructions or mine as to the execution of the mediation in case it was accepted; that we were at too great a distance from our Gov<sup>t</sup> to submit the timely execution to its discretion; & that no time was to be lost, as the influences of the monopolizing policy of Gt Britain & France were already at the Court of Assumption, & as the armies of Paraguay & of Paz were in motion towards the invasion of the Argentine territory. I have tried my best, in a word, to do for the best: no evil at all events can result from what has been done, much good may, & will, I believe come out of it; & I confidently trust that my action & that of M<sup>r</sup> Hopkins will be approved. If it prove successful, I am sure it will be commended.

. . . M<sup>r</sup> Walsh wrote to me from M. Video under date of Jan<sup>y</sup> 27<sup>th</sup>. He describes the defeat of a detachment of Monte Videans by Oribe's troops near "Maldonado." "Oribe is in statu quo, not before the war, but before the city, and no effort will be made to drive him away until the arrival of the troops which are expected from France & England." The Brazilian chargé, upon whom I called with the Despatches of the Depart<sup>t</sup> of F. Affairs, assured me that *the city was in reality a mere English dependence & he seemed to think that in a short time it would be openly so declared.* I have seen M<sup>r</sup> Ousely who was extremely civil and talked a great deal about affairs in this quarter



& apparently with great frankness. He condemned the mode in which he says he has been obliged to act, stating that as soon as the allied Gov<sup>ts</sup> had determined upon hostile measures, they should have sent out an adequate force immediately & finished the business without delay. He broached the subject of his conversation with you at Rio;—said that he had heard of your dissatisfaction with his conduct, & was glad of the opportunity of explaining it. That when he was at Rio his instructions were precisely such as he had told you they were—entirely peaceful—but that on the arrival of Baron Deffaudis, he had been directed to cooperate with him as he has been doing. He is of opinion that the change of Ministry in England will cause the war here to be prosecuted with additional vigor. Lord Palmerston being a decidedly belligerent statesman; & mentioned his expectation of the speedy arrival of a considerable armament. “The question of the bonds” (the bonds required of American vessels) “appears to have been settled as it should be—there is no difficulty about it at present.”— . . .

I have the honor [etc.].

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*Henry A. Wise, United States Minister to Brazil, to James Buchanan, Secretary of State of the United States*<sup>1</sup>

[EXTRACT]

No. 41

RIO DE JANEIRO, *March 6, 1846.*

SIR: . . . On the 9th of Feb<sup>y</sup> the Min: of F. Affairs requested a conference with me. Its object was to obtain my opinion on the question of passports to Gen<sup>l</sup> Riveira, which was to be submitted to the cabinet that day. I gave my opinion confidentially, such as you see written in a hurry & in brief.<sup>2</sup> The correspondence<sup>3</sup> followed which I inclose. Gen<sup>l</sup> Guido I have

<sup>1</sup> Despatches, Brazil, vol. 15.

<sup>2</sup> The enclosure, referred to, follows:

*February 10, 1846.*

Uruguay [*sic*] requests the Imperial Government to grant passports to Gen<sup>l</sup> Rivera within its limits and to depart therefrom.—

—Query:—Would the grant of this passport violate the strict neutrality of Brazil in the war between Uruguay and the Argentine?

My opinion is that when General Rivera fled to Brazil, he became in her dominion a mere private individual, entitled to all the protection of Brazil belonging to any other private foreigner. As such, he was entitled to passports through the Brazilian territories and to leave them; and it pertained to the sovereignty of Brazil, independently of all other powers, to grant him passports without violation of any obligation neutral or otherwise, to other nations.

The Uruguay asks for passports also for him as Minister Plenipotentiary of that Republic to Paraguay. They also, in my opinion, may be granted, extending so far at least as to protect *within the Brazilian territory*, and *in leaving it*, but *not beyond* that territory, without violating any obligation of neutrality.

<sup>3</sup> Not included in this publication; it is between Wise, Guido the Argentine minister, and the Brazilian Foreign Minister. In it, Guido argues against granting a passport to Rivera; Wise argues in favor; and the Brazilian Foreign Minister inclines to Wise's views.

seen since, and he takes this all in good part. His private views, in fact, coincide with my own, but he is afraid of the ignorance & passion of Rosas. . . .

I have had much to do about other matters, but I have burthened you enough for one despatch and I have the honor [etc.].

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*Henry A. Wise, United States Minister to Brazil, to James Buchanan, Secretary of State of the United States*<sup>1</sup>

[EXTRACTS]

No. 42

RIO DE JANEIRO, March 13, 1846.

SIR: . . . I received a letter from M<sup>r</sup> Consul Hamilton dated M'Video, Feb<sup>r</sup> 18<sup>th</sup> in which he says: "M<sup>r</sup> Edwards has been writing from the States to General Oribe, and several others residing at the camp of the latter, all which have been intercepted, as I am informed by unquestionable authority. And it is more than probable the contents of these letters will be published. . . . The letters were directed to the *Buceo*. My informant told me *confidentially* that he had perused them, & that, judging from the President's message, M<sup>r</sup> E. was deceiving both Gov<sup>r</sup> Rosas & Gen<sup>l</sup> Oribe. This is to be regretted, and if I can possibly prevent the publication of these letters, I shall do so. I am induced to believe they are in the hands of M<sup>r</sup> Ousely judging from the quarter I rec<sup>d</sup> the information. . . . The term of the members of the Senate & House of Reps. of this Republic having expired on the 14<sup>th</sup> inst; and as no new election could take place under present circumstances in conformity with the constitution the doors have been closed, and a "Consigo [Consejo?] Estado" has been appointed, & composed of some of the former Rep<sup>s</sup> & other "notables" of the city of M. Video, selected by the Executive. Therefore, it is presumed that the affairs of the Gov<sup>t</sup> will go on as heretofore—and that is none of the best."

This news is but an indication that the way is being daily prepared for the

A refugee from a neighboring power at war with another neighboring power, should not be permitted ingress & egress *with arms in hand*, or to levy war in any form within a neutral territory. But a refugee entering a neutral territory *without arms*, & doing no hostile act within it against a neighboring power, and proposing to leave or depart *in a peaceful attitude and without arms*, ought to be permitted to do so.

No nation at war has the right to demand of a neutral power to hold as *prisoners* within its territory those who may fly to it.

To hold the *peaceful* refugees from one nation at war with another is rather a violation of neutrality than the act of permitting them peacefully to depart.

Such are the principles of the United States as I understand them; and such as they endeavoured to carry out in the recent cases of wars on their borders both in Mexico and Canada. . . .

<sup>1</sup> Despatches, Brazil, vol. 15.

result aimed at by G<sup>t</sup> Britain in the step of the armed intervention. The next point or two attained & she will declare M. Video under a *provisional Gov<sup>t</sup> protected by her arms*—the finale, who can fail to see? Indeed, yesterday, Gen<sup>t</sup> Guido wrote me a note, in which he says that his news from France is that the French Cabinet begin to perceive the policy of G<sup>t</sup> Britain, and that the large French force intended for the River Plate has been countermanded & Baron Deffaudis has been instructed to make terms with Gen<sup>t</sup> Oribe. M<sup>t</sup> Hamilton says that the Baron “has gone to Entre Rios in one of the steamers, his object unknown.” You may rely upon it, Sir, that this armed intervention will prove dangerous, if not disastrous in the end to our Commerce in S. America. I was rejoiced to hear the declaration from M<sup>t</sup> Calhoun in the Senate that it was an outrage upon every principle of international law & right. I am not for interfering between Rosas & the Uruguay, but, for the very same reasons, I opposed the interference—the *armed intervention*—in their affairs by European powers.

M<sup>t</sup> Walsh, under date of Feb<sup>y</sup> 10<sup>th</sup> writes to me from Buenos Ayres: . . . “I found M<sup>t</sup> Brent in excellent case. B. Ayres—good air & excitement have given him a new lease of life. I delivered your despatch & had a long talk with him at once upon the subject of Paraguay. He said he had already brought it to the notice of Rosas; & he promised to urge it strenuously as possible. He has since had conferences with Arana and the Governor, in which he communicated the contents of your letter; but as yet has obtained no satisfactory reply. The answer of Rosas was that the Paraguay question is one of life & death to this country, & he cannot act until after maturest deliberation. His great difficulty is not so much the recognition of independence, as the free navigation of the River, which will be the result. The hatred & fear which he feels for the English will make it a hard matter, I apprehend, to induce him to do anything by which they may lawfully benefit. He goes upon the perish credit, perish commerce, perish everything system, rather than grant any privileges, direct or indirect, to Jn<sup>o</sup> Bull, Believing also in his star—flattering himself that he will emerge triumphantly from the present as he has done from all previous perils:—intoxicated with vanity & success—it is almost impossible to make him understand that any combination of evils can overwhelm him. The great object of his ambition is victory, much more than safety. I feel pretty confident, therefore, that he will not act in the matter until he loses every glimmer of hope—especially until the denouement of Urquiza’s operations in Corientes [Corrientes]. Should Paz be defeated there:—and we had intelligence the other day that his vanguard had already been routed—not a jot will be bated; but if Urquiza is overcome, the eyes of the Gov<sup>t</sup> may be somewhat opened to the possibility of destruction. It is to be hoped that the Campaign will be short and decisive in order that its influence may be felt before it is too late to save Paraguay from the embraces of England. The expedition has got far on its

way—a few leagues only below the place where it is to meet Paz & will soon be able to communicate with the Paraguayans. An attack was made upon it at St Lorenzo by a masked battery, commanded by Gen<sup>l</sup> Mansiglia [Mansilla] who writes that he avenged himself for the wound which he received at the Obligado, by killing a reasonable number, doing considerable injury to the Steamer Gorgon, and almost destroying a host of merchantmen. . . .”

The opening of the river is a perfect bugbear to Rosas. . . . Commerce, bringing healing, civilization & prosperity on its wings, he regards as a hostile invasion as if it were to be carried on by ships of war bristling with “instruments of missive ruin,” & loaded not only with articles of traffic to supply the wants of the inhabitant, but with cargoes of armed men to take possession of the land. . . . One almost instantaneous effect of the free navigation of the River he feels in his bones, if he does not clearly perceive it, & that is:—the removal of an evil which I am inclined to regard as a main support of his power & a principal cause of the dissensions & sufferings of the country. I allude to the pernicious preponderance of the Province of B. Ayres over the other provinces of this “*lucus a non lucendo*,” this *soi-disant* republic. By a deplorable want of sagacity & foresight the arrangements of the confederation make the city of B. Ayres the only point of entry, & confer upon the Gov<sup>t</sup> of the Province (although he is elected only by the people of the province & is uncontrolled by any general Congress, the only legislative Assemblies being the provincial ones) the management of the foreign relations. B. Ayres is thus literally & effectively the Empire State & may be said to have full possession of both the purse & the sword. The revenue is all collected in the city & the importations are thence taken to the other provinces, where they are made to pay any additional duties it may be expedient to impose; & the Legislature assembled in the city makes peace or war at discretion. It was against this preposterous & pestilent state of things that the Unitarians took up arms, for the purpose of rendering every province completely independent, without any bond of union, the evil of which would have been almost as great as that sought to be removed. The panacea will be the free navigation of the river, rendering new ports of entry indispensable & bringing the various provinces into contact with foreign intelligence & benefits, Rosas says truly that this is an affair of life and death—but it is of life to the country and death to himself; and as there is not much reason to believe that he prefers the former to the latter, there is not much hope that he will voluntarily do what is wanted & what patriotism would demand.

The city just now is perfectly tranquil & seems to care very little for the blockade, which, in fact, is injurious only to the foreigners for whose advantage, in part, it was ostensibly undertaken. . . .”

I have the honor [etc.].

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*Henry A. Wise, United States Minister to Brazil, to James Buchanan, Secretary of State of the United States*<sup>1</sup>

[EXTRACT]

No. 43

RIO DE JANEIRO, April 14, 1846.

SIR: . . . Accompanying this are copies of M<sup>r</sup> Brent's account of the mediation of the U. States in the war between the Argentine Republic & Paraguay.<sup>2</sup> It is by no means gratifying, and I regard the mediation as

<sup>1</sup> Despatches, Brazil, vol. 15.

<sup>2</sup> Brent's account, in his letter to Wise, follows:

*William Brent, Jr., United States Chargé d'Affaires at Buenos Aires, to Henry A. Wise, United States Minister to Brazil*

Buenos Aires, March 19, 1846.

SIR: It is only in my power to write you a hasty letter, in relation to the affairs of Paraguay and Buenos Ayres.

On the 14<sup>th</sup> of Jan<sup>y</sup> last, I received from Monte Video a copy of the "Tratado de Alianza ofensiva, y defensiva contra el Gobernador de Buenos Ayres," by the Gov<sup>ts</sup>—of Paraguay, Corrientes, conjointly with Gen<sup>l</sup> Paz as "Director de la Guerra y General en Chef de operaciones, compuesto de Argentinos de diferentes Provincias del Rio de la Plata."

I immediately communicated it to the Argentine Gov<sup>t</sup>, to the Minister of Foreign Affairs, & to Governor Rosas himself. I explained to both my great fears lest the British & French then going up the Paraná in their steamers would open a communication & form a Treaty with Paraguay. That the object of this extraordinary expedition up the River (there was every reason to believe,) was connected with a great plan more particularly by Great Britain to get possession of the finest country in the world for cotton, and thus ultimately to free herself from her dependence on the U. States in this vital particular, and to make a lodgment in the very heart of the countries of the La Plata, now easily accessible by steam, thus produce disaffection among the different Provinces of the Argentine Confederation, & thus destroy the hope, in which all Lovers of American Liberty fondly indulged that sooner or later the countries of the La Plata would follow the footsteps of that beautiful career set them by the U. States of particular Gov<sup>ts</sup> for the internal affairs of each province, with a General Gov<sup>t</sup> for the union of all against foreign intrigue & attack.

I found that the Argentine Government considered this a most important subject, calling it a question of life & death.

I asked if the offices of friendly mediation by the U. States in this case would be agreeable. This the Minister said would be desirable—such was the state of things, when your Secretary of Legation, M<sup>r</sup> Walsh arrived with your letter to me of the 12<sup>th</sup> Jan<sup>y</sup>. [Vol. I, pt. II, doc. 160, note 1.—Ed.]

M<sup>r</sup> Walsh reached this on the 30<sup>th</sup> Jan<sup>y</sup> and on the next day I presented to the Argentine Gov<sup>t</sup> the letter marked A offering the mediation of the U. States. [For his note offering mediation, see above, vol. I, pt. II, doc. 160, dated January 31, 1846; also the acceptance, doc. 163, dated February 26, 1846.—Ed.]

On the 26<sup>th</sup> of Feb<sup>y</sup> they accepted it, as seen by their letter of that date marked B. herewith sent:—and on the 27<sup>th</sup> Feb<sup>y</sup>, the day after, an order was issued by the Argentine Gov<sup>t</sup> to General Urquiza (marked C.) by which he is ordered not to invade Paraguay under any consideration. [Vol. I, pt. II, doc. 163, note 1, p. 328.—Ed.]

On the 27<sup>th</sup> Feb<sup>y</sup> M<sup>r</sup> Hopkins, the Special agent of the U. States, arrived here at night bringing your letter to him of 11<sup>th</sup> Feb<sup>y</sup> last, to which was annexed the copy of a letter from Carlos Antonio Lopez, President of Paraguay. [See above, this part, doc. 589, note 1, p. 319.—Ed.]

On the next day, the 28<sup>th</sup>, I introduced him to the Minister of Foreign Affairs; & your letter & Gen<sup>l</sup> Lopez's were, presented and left by M<sup>r</sup> H. for the Minister to take a copy.

It was only on the night of the 16<sup>th</sup> March that I received the Propositions of this

Footnote 2, page 325—*Continued*

Gov<sup>t</sup> on this subject.— They have not yet been translated, & I can therefore say nothing about them, as I do not trust myself when it is important to be exact.—

On Saturday the night of the 14<sup>th</sup> of March M<sup>r</sup> Hopkins & myself had a meeting with the Minister when we made a request for a certain written promise, as set out in my letter to the Argentine Gov<sup>t</sup> on the 16<sup>th</sup> [Above, vol. 1, pt. II. doc. 169.—Ed.]

This request was complied with, as will be seen by the letter of the Gov<sup>t</sup> to me on the same day. This, marked D, contains the promise requested.—[It follows in this note.—Ed.]

On the same day Señor Arana sent me a letter containing the bases of this Gov<sup>t</sup> for an arrangement of the pending differences. [Below, this note.—Ed.] This then puts the mediation in possession of the bases of Paraguay & Buenos Ayres.—

It was only on this morning, 19<sup>th</sup> March since writing the above that I received a translation I send without keeping a copy.—I had already had one translator engaged in making out a very lengthy document from this Gov<sup>t</sup>, which is not yet done, in reference to the view of the Argentine Gov<sup>t</sup>. And on yesterday I employed another translator who this morning furnished me with the letter of the 16<sup>th</sup>.—On yesterday I passed a letter to Comd<sup>re</sup> Rousseau, produced by a Conference with M<sup>r</sup> Hopkins: marked F, of this I sent a copy to M<sup>r</sup> Hopkins & received his reply—of these I shall send by this conveyance copies if practicable. [Not included.—Ed.]

The mediation is thus in possession of the bases of the two Gov<sup>ts</sup>.

And strange to say, just at this point & conjuncture M<sup>r</sup> Hopkins can remain no longer. The order to Gen<sup>l</sup> Urquiza from this Gov<sup>t</sup> not to invade the Territory of Paraguay was issued on the 27<sup>th</sup> Feb<sup>y</sup> & it seems by your letter of 11<sup>th</sup> Jan<sup>y</sup>, by M<sup>r</sup> Walsh, that Paraguay agreed to wait four months from 1<sup>st</sup> Jan<sup>y</sup>, before sending troops. By your letter of 11<sup>th</sup> Feb<sup>y</sup>, by M<sup>r</sup> Hopkins, it appears that 10,000 men had already been sent to Gen<sup>l</sup> Paz in Corrientes.

I send copies of some letters from Gen<sup>l</sup> Paz, taken in the baggage of the Governor of Corrientes, who commanded the vanguard of Paz—see Gazette marked C. I have no time to make any comments. All I can say for the present is, that I shall set about examining the papers sent me by M<sup>r</sup> Hopkins, which he tells me contain the reasons for the views of Paraguay, and I shall also examine the papers presented by the Argentine Gov<sup>t</sup>. As mediator I do not feel justified in proceeding without such examination.

I had at one time hoped that with the cooperation of M<sup>r</sup> Hopkins some thing might be done to produce beneficial results. But when we know that Paraguay has already sent on 10,000 men, when Pres<sup>t</sup> Lopez declares that he has the "assistance of great & powerful nation."—(see his proclamation dated at Assumption Dec<sup>r</sup> 7<sup>th</sup> 1845.)

When M<sup>r</sup> Hopkins tells me that he has seen a letter from the English Capt Hotham, who is now up the Paraná, to Gov<sup>a</sup> Lopez, & when I have strong reason to believe that Hotham has furnished Gen<sup>l</sup> Paz with arms; & when M<sup>r</sup> Hopkins states that Paraguay has already appointed (his name I have forgotten) Chargé d'affaires to the town of Monte Video: all these circumstances are completely in harmony with what we know respecting the long settled, universal policy of G<sup>t</sup> Britain, in all the countries she has divided & bribed & conquered. I am afraid that Paraguay was in the embraces of Great Britain when M<sup>r</sup> Hopkins left.—

I have forbore to make comments, time only allowing me to send you the main facts, With the blessing of God I shall persevere & do my best to find some middle ground for the mediation.

I am, dear Sir, [etc.].

*Felipe Arana, Minister of Foreign Affairs of Argentina, to William Brent, Jr., United States Chargé d'Affaires at Buenos Aires*

Buenos Aires, March 16, 1846.

The undersigned has informed His Excellency the Governor of the esteemed note of His Lordship dated today, in which, recalling the order of this Government dispatched to His Excellency the Governor and Captain General of the Province of Entre Rios, General in Chief of the Army of operations against the Ruthless Unitarians in Corrientes, Don Justo José de Urquiza, dated February 27 last, directing him not to invade the territory of Paraguay for any reason whatsoever, should the arms of the Argentine Confederation under his command take him to that point; and the explanations had in the conference held with His Lordship last *Saturday* at the home of the undersigned, at which Mr. Edward A. Hopkins was present, he requests that this Government

Footnote 2, page 325—*Continued*

modify that assurance in the terms which he proposes; and that copies thereof be sent to His Lordship and the said Mr. Hopkins for the purpose he states.

His Excellency the Governor has directed the undersigned to express to His Lordship, in acknowledging the receipt of the note, the extreme pleasure with which His Excellency seizes this opportunity offered him by His Lordship to prove unequivocally the peaceful and friendly sentiments which animate the Government of the Argentine Confederation toward that of Paraguay.

With this thought in mind, and in compliance with the estimable desires of His Lordship, the undersigned by order of His Excellency explicitly declares to His Lordship that if "the Government of Paraguay immediately withdraws to its own territory the troops with which it has invaded the Province of Corrientes, those of the Argentine Confederation will not attack them within the territory of Paraguay; the withdrawal of the Paraguayan troops to be effected the moment the Government of Paraguay receives the notice of the mediation offered by the United States and accepted by this Government, it being understood that the Government of Paraguay may maintain its forces within its territory during the mediation thus accepted by the Governments of Buenos Ayres and Paraguay."

The undersigned also has the honor to send herewith to His Lordship two certified copies of this reply. [See below. Ed].

God preserve His Lordship many years.

*Felipe Arana, Minister of Foreign Affairs of Argentina, to William Brent, Jr., United States Chargé d'Affaires at Buenos Aires*

[TRANSLATION]

Buenos Aires, March 16, 1846.

The undersigned by order of H. E. the Governor has the honor to reply to your note dated this day [Above, vol. 1, pt. II, doc. 169.—Ed.], in which you recall to mind the contents of a letter of the E. Extra<sup>r</sup> & Min<sup>r</sup> Plenip<sup>o</sup> of the U. S. at the court of Brazil, M<sup>r</sup> Wise, to M<sup>r</sup> Edward Hopkins, to which was added another of M<sup>r</sup> Lopez of Paraguay, which you & the said M<sup>r</sup> Hopkins presented in copies to the Undg<sup>d</sup> confidentially. Reminding also the account made by M<sup>r</sup> Lopez of the difficulties which unfortunately exist between the Gov<sup>ts</sup> of the Argen<sup>e</sup> Confed<sup>tion</sup> & that of Paraguay, & the bases which he proposes for the settlement of said difficulties, & expressing your desire that they may [be?] considered as the first offered by Paraguay in the affair of the mediation, & conclude by soliciting that this Gov<sup>t</sup> will furnish him such offers as on its part it may consider proper to make for the settlement of the difficulties pending between the two Gov<sup>ts</sup>.

As regards that the bases contained in the copy of the letter of the Gov<sup>t</sup> of Paraguay should be considered as the first bases offered by it for the settlement of the existing differences, with that of the Argentine Confed<sup>n</sup>, the undersigned, by order of H. E. the Gov<sup>r</sup>, reminds you that the letter of M<sup>r</sup> Wise, & the copy of that of M<sup>r</sup> Lopez, which was annexed, were presented confidentially, with the sole object that H. E. the Gov<sup>r</sup> & the undersigned should have a private & particular knowledge of them—Under such belief, why do they figure officially, as the first bases offered by Paraguay, those contained in the note of M<sup>r</sup> Lopez. [?] H. E. the Governor desires, should be presented officially by you, in the character of mediator, which you hold on the part of the Gov<sup>t</sup> of the U. States, & under which character you have been admitted by this Gov<sup>t</sup>.

Notwithstanding H. E. desirous of adding a new proof, in addition to those which he has already given of his pacific & benevolent sentiments towards the Gov<sup>t</sup> of Paraguay, & of the high esteem which the high mediation of the Gov<sup>t</sup> of the U. S., has ordered the undersigned to present to you the bases of this Gov<sup>t</sup>, conducive to an equitable & honorable arrangement of the pending differences with that province.

1<sup>st</sup> The Gov<sup>t</sup> of the Argentine Conf<sup>n</sup> recognizes the Independence of the Province of Paraguay in all that concerns & management & internal administration, in the same way as the Argentine Confederated Provinces are, that of Paraguay remaining adhered to the Confederation in the form & terms established in the fundamental compact of the fourth of January 1831, subject to the duties which said Provinces have imposed on it & with a right to the privileges which have been reserved to in the same. (compact) [sic]

2<sup>dly</sup> The Gov<sup>t</sup> of the Argentine Conf<sup>n</sup>, as soon as the Province of Paraguay unites itself to it, recognizes in the inhabitants of Paraguay the freeness & security of entering & passing with their vessels & cargoes in all the Ports, Rivers, & territories of each one of the Provinces of the Confederation, exercising in them their industria, with the same

having failed. The truth is that Rosas is inexorable from the vain conceit that he is irresistible & invincible. The true state of Paraguay, and of things at B. Ayres, you will get the best idea of, I think, from a perusal of the inclosed extracts of M<sup>r</sup> Walsh's most interesting letters to me.<sup>1</sup> I shall simply

Footnote 2, page 325—*Continued*

freeness, justice & protection, which the natives of the Province in which they reside, be it permanent or accidental; & in the same stipulated terms in the eighth article of the treaty celebrated with the littoral Provinces on the 4<sup>th</sup> of Jan<sup>y</sup> 1831.

3<sup>d</sup> The Govt of the Arg. Conf<sup>a</sup> recognizes the integrity of the territory of the Province of Paraguay. In case the immediate arrangement of the limits is not desirable, & meanwhile amicably & pacifically to explain them, should respect the *statu quo* fixed in the fourth article of the Convention celebrated between the most Excellent Gubernatorial Juntas of Buenos Ayres & Paraguay on the 11<sup>th</sup> of October 1811. On leaving the bases established conducive to an honorable & convenient arrangement, with regard to the actual differences with the Govt of the Province of Paraguay, the undersigned is pleased in believing that you will find them just & equitable, as founded in the exact meaning of the Treaties which bind both Govts, & entered into for their mutual convenience, security & true Independence.

God preserve you many years.

<sup>1</sup> The following are the pertinent portions of the extracts from Mr. Walsh's letters to Wise:

Buenos Aires, February 16, 1846.

. . . The Paraguay question has made no progress. Arana, now says that he must wait for certain despatches &c &c, in short every kind of excuse is sought for the procrastination. The operations of Urquiza, as I said in my last, will alone decide the matter. If he is defeated it is believed to be the design of the English to unite Corrientes & Entre-Rios into an independent confederation, so as to deprive Rosas of all his pretensions to the River. . . .

February 23, 1846.

MY DEAR SIR: A good deal of festive gunpowder has been exploded here within the last few days in consequences of news which arrived on the 19<sup>th</sup> that Urquiza had surprised the vanguard of Paz and killed 300 men, wounded many more & taken a large number of prisoners, among whom is the Commander, the brother of the "intrusive" Governor of Corrientes. The vanguard consisted of 2000, & more than a half of them are said to have joined the army of Urquiza. Paz is reported to be in full retreat to Paraguay in great disorder. The intelligence is stated to be official & is generally believed, as Rosas has never yet permitted rejoicings unless they were warranted. Some, however, still shake their heads in doubt & refuse to believe until the affidavits are filed in the Gazette by Urquiza himself. A rumor is current that the Commander of the guard was bought & allowed himself to be surprized, to which an appearance of probability is given by the statement that he has been given his parole—a piece of clemency not usual with those whose slogan at all times is "mueran los Salvages Unitarios." Three weeks ago, it is affirmed, the Govt boasted that some good news would be received about this time—but almost at the same period we had reports of Paz having defeated the vanguard of Urquiza. Felix qui potuit verum cognoscere causas—lucky the man who can get at the truth in these "diggings." The causes of things & things themselves are involved in such clouds of contradictions that to see through them is as impossible as to penetrate the dust-fogs of Pennsylvania Avenue during a spell of dry weather, or the like exhalations of the roads in this most "pulverous" land. Baron Munchausen was a fabricator of secondary magnitude to the fact-makers of the River. The other day, for instance, I fell in with a native of Corrientes who had returned from Paraguay about 8 months ago after a residence there of 12 years. He represents the Govt as a miserable one, the men a lazy, worthless set who throw all the labor on the women, & the general condition of the inhabitants such as to render them altogether unfit for self-government. Two thirds of them he says, are of mixed blood, their whole number falling much short of a million. It must be mentioned, however, that he was kept in prison there for a couple of years for some political misdemeanor, so that considerable allowance should be made for his antipathies. Last ev<sup>g</sup> I got into conversation upon the same subject with an Irish priest, a man of great intelligence, who is in



inform President Lopez of the terms proposed by Gen<sup>l</sup> Rosas to M<sup>r</sup> Brent, and that the latter has informed me that he is in possession of the bases submitted by both parties. I now apprehend that Paraguay will be seduced

correspondence with the Jesuits whom Rosas banished some short time ago, & who are now in Paraguay. Their accounts describe a state of things with much more of light than the Corrientine gentleman's picture & much more of shade than that of our Agent. They found the people in a lamentable state of ignorance on their arrival, but they have been exerting themselves with their usual energy & success to diffuse education; & they represent them as susceptible of great improvement. The material as yet is better than the work, but it is so good that it will soon enable the latter to do wonders. Whatever may be the truth, one thing is certain that the lower the Paraguayans are in the scale of civilization, the easier will it be for England to subject them to her influence & the more important is it to prevent a consummation so much to be deprecated. But if the only way to keep out the English is to obtain Rosas' recognition of the independence of Paraguay, there can be little doubt that John Bull will get what he wants. The dictator seems determined to be aut Caesar aut Nullus [Nullus?] M<sup>r</sup> Brent showed me a note yesterday from Arana informing him that Gen<sup>l</sup> Guido had just been instructed to demand from Brazil the execution of that art. of the Convention of '28, by which she & B. Ayres are made the sole guarantees of the independence of the Banda Oriental. This is in pursuance of your idea in the memorandum you gave the Gen<sup>l</sup>, & for which M<sup>r</sup> Brent says the Govt here are very grateful. The letter of Lord Ponsonby kills the pretensions of England.

A circumstance of domestic moment has just occurred which will oblige me to trespass on your kindness & prolong my stay for a couple of weeks longer than I intended. . . .

*February 28, 1846.*

MY DEAR SIR: Inclosed is a paper published this morning containing the official statement of the late events in Corrientes. Urquiza's success seems to be greater even than was supposed by the most sanguine. Paz's letters are interesting documents, showing, as they do, how poor are his resources & what little doubt there is that his opponent will be completely successful. His remarks about the Paraguayans are by no means complimentary. By the way, they appear to have falsified their promise to Hopkins not to move out of Paraguay for four months. We were not a little surprised yesterday by the arrival of that gentleman with the Commodore. The ultimatum which he brings of Prest Lopez will meet with a conflicting ultimatum of Rosas of such a character as offers little or no hope of an arrangement. The day before yesterday this Govt accepted a tender made some time ago by M<sup>r</sup> Brent of his mediation in the matter, stating that they would do every thing but just precisely what the Paraguayans demand—viz—recognize their independence—and from this position there is less probability now than ever of Rosas moving an inch. The operations of Urquiza have rendered his assurance doubly sure, whilst the slighting way in which the Paraguay forces are spoken of by Paz must tend to confirm him in the opinion which he has expressed to M<sup>r</sup> Brent respecting the danger to be apprehended from their doings.

We have no further news of the Expedition. It is rumored that Wright, of whose operations against the Anglo—Gallico—Italico—Brasilico—Yankico merchant vessels I gave you an account in a former letter, has been captured. Many of the prisoners whom he made & who, it was feared, would experience the tender mercies of the famous decree, have been released on the application of a Captain of a Sardinian brig-of-war. He made his way to the Governor's humanity through his parentalism by persuading Manuelita to intercede for the poor devils; & when he was asked what was the number of his countrymen in durance he stretched it as much as he prudently could so as to save others of different nations. I do not believe that the decree will be carried at all into effect, although Arana has written a reply of forty pages to the protest against it of the plenipotentiaries, in which he upholds it with pertinacity invincible. Deffaudis is said to have written a letter to Rosas holding him personally responsible for any *unlawful* acts of violence which he may commit—The unlawfulness of course to be decided upon by the threatner. He came up here a short time since & remained several hours with the blockading squadron, to the infinite edification of the quidnuncs, who soon got up a most exciting variety of 'unquestionable facts' as to his objects. Whatever they may have been, however, he was not considerate enough to communicate them officially, himself, to the people of the place. We have positive statements of a success gained over Garibaldi by an officer of Oribe, whose bulletin I inclose.

into a treaty & alliance with England & France. This ought, on every consideration, to have been prevented, I fear it is now too late.

The passports by Brazil to Gen<sup>l</sup> Riveira [Rivera] have turned out precisely as I told Gen<sup>l</sup> Guido they would. So far from their proving injurious

March 18, 1846.

MY DEAR SIR: When my father was in Paris during the time of Napoleon he heard a fishwoman one day in the street say to another lady of the same species, "*tu ments comme un bulletin de l'Empereur*"—you lie like a bulletin of the Emperor. The phrase has been brought to my mind by the bulletins with which we are favored in these parts, the Imperial flourishes being at least rivalled by those of the republican heroes of the River. A short time since we got from Monte Video a grand account of Urquiza's having been compelled by Paz to make a precipitate retreat which became an ignominious flight, in the course of which he lost his baggage & horses & almost every thing but his life. The same day on which the news was received, I accompanied M<sup>r</sup> Brent & the Commodore on a visit to Arana, who laughed at the statement & showed us a letter from Urquiza, in which he informed him of his intention to make a retrograde movement in consequence of not being able to pasture his horses where he was—& from this little blackbird the three great Monte-Videan crows were concocted. Unless Paz receives some important aid or Urquiza commits some egregious fault, there would seem to be little doubt of the latter's success with a well disciplined, veteran army, flushed with continual triumph, opposed to a motley herd of undisciplined & almost unarmed recruits. Urquiza, too, is a native of Corrientes and thoroughly acquainted with every inch of the ground, & could hardly have involved himself in such difficulties as are described. Recent intelligence from Bolivia is of some moment. That country had got into a quarrel with Rosas about a connivance, real or asserted, with the 'Savage Unitarians', & its Minister here had been ordered home. Just, however, as he was on the point of departure he received counter-instructions by a special messenger, directing him not only to remain but to tender the military assistance off his Govt, if required to B. Ayres. This change was owing to the news of the Expedition & the battle of the Obligado, & manifests an American spirit which cannot be too much applauded. The delight of the little Minister, who is the Tom Thumb of diplomates, being under five feet in height, & who came post haste to M<sup>r</sup> Brent to tell him the good news before ever communicating with Arana, was quite contagious. The conduct of Bolivia is in very favorable contrast to that of Paraguay, though to be sure, the latter has much more serious causes of complaint against Rosas than the other. Of the removal of those causes there is still no probability. In the last conference between M<sup>r</sup> Brent & Arana, the principal objection made to the opening of the River was the advantage which would accrue from it to England under the treaty of 1825—a plea that strikes me, I confess, as absolutely ridiculous. In the first place, the treaty is destroyed by the war, although Rosas still affects to consider the attack made upon him as the mere work of the allied Ministers & not of their governments, & refuses to take advantage of the state of hostility to benefit the country whilst it is suffering all the evils which that state can inflict, & which would be almost compensated for by the destruction of the pernicious treaty. What good he hopes to derive from this course it is hard to imagine, the maxim of England being practically the very reverse of the grand old Roman one—'*parcere subjectis et debellare superbas*.' The more she is given the more she will take; & to get something from her, everything must be claimed. In Hood's witty phrase, she is "troubled with an Anaconda", & the only way to shuffle off her mortal coil is to make the most vigorous efforts in the outset. The fate of Laocoon is the emblem of that of any nation which once becomes fairly involved in her folds. Strict orders have been given by Rosas to his officers to act entirely on the defensive—so much so that a few days ago several boats of the blockading squadron were for hours under the guns of a masked battery not very far from the town, without being fired at, although they might have been sunk at the first discharge, & although in one of them was the Commander of the Squadron himself. A decree, however, threatening severe "reprisals" if the allied mediators continue to furnish aid to the rebels of Corrientes, which, ludicrously like as it is to the threat of a man who has been cuffed & kicked to his heart's content to do something terrible if he is struck again, has spread considerable alarm among the French & English residents. It is supposed that their property will be confiscated, even if their persons are not molested, should the next packet not bring intelligence of the withdrawal of the peace-makers. A question would then be raised of a singular kind. The

to the Argentine interests they have become a bone of contention between opposing factions at Monte Video to the extent of alarming the "Colonial Govt!" (as the Govt of that place is now familiarly called) & the singular spectacle is exhibited of Monte Video banishing Riveira, without permitting him to land even in that city after having formally demanded his passports from Brazil, as Envoy Extraordinary too of the Uruguay to the court of Assumcion. This strengthens Rosas by seriously dividing his foes. Riveira is popular with the Orientals and an outbreak, if not another revolution, among the Anti-Rosistas is expected to flow from the Proclamation of the "Notables," which I send you in the "Jornal do Commercio" of the 13<sup>th</sup> inst in respect to Riveira. Thus two revolutions and a foreign intervention are likely to be existing in that unfortunate country at the same time. All will result in absolute conquest & dominion by England & France. The Brig "Bainbridge" arrived from the La Plata some weeks ago, all well.

I have the honor [etc.].

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*Henry A. Wise, United States Minister to Brazil, to James Buchanan, Secretary of State of the United States*<sup>1</sup>

[EXTRACT]

No. 45

RIO DE JANEIRO, April 29, 1846.

SIR: I regret exceedingly that a sense of duty compels me to make this communication to the Department.

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same treaty of 1825 provides that in case of war between the two countries the subjects or citizens of either of the two Contracting Parties residing in the dominions of the other shall not be troubled in any way whatever. How can an article of a treaty provide against a state of things by which the treaty itself is destroyed? If it can, then as the first article says there shall be perpetual amity between the two countries, it must knock the war in the head at once. Either the war kills the whole treaty or "Art. 1." kills the whole war. It is, perhaps, to escape from this quandary that Gt Britain is making war in a friendly-way amusing herself, like the Irishman, with a peaceable fight with the party to whom she has sworn perpetual love. In the second place, the treaty only gives to the English the Commercial advantages of the most favored nation, & by opening the River to all the world, they would be deprived of any exclusive or especial benefit. The only way, in fact, to deprive them of such benefit is to invite the nations of the earth to compete with them in the trade, for they have got possession of it now & will keep it. This is a "fixed fact" & common sense would seem to indicate that the only thing Rosas ought to try & do is to make the best of a bad job to remedy what he cannot remove but he seems to prefer losing his life to losing his arm, or rather flatters himself that he can save both. Whom God would destroy he first makes mad.

It strikes me, indeed, as mattering little now how the discussions may end; for whilst they have been talking here the English have been acting *there*, & Paraguay by this time is in their clutches. We have credible information that Hotham, who went to Assumption in January, is returning to Monte Video with a regular Chargé from Lopez to the Govt of the town which makes it pretty clear that the bargain has been struck. The name of the Chargé is Bernardo José Llanos, a "Judge of Crime." No dependence, I am satisfied, is to be placed upon the Paraguayans. . . .

<sup>1</sup> Despatches, Brazil, vol. 15.

In a note dated 19<sup>th</sup> March 1846,<sup>1</sup> marked "*Private & Confidential*" M<sup>r</sup> Brent inclosed to me the papers of which the within are copies marked "A."

The only letters of importance which M<sup>r</sup> Hopkins addressed to me after he left this place for Buenos Ayres and before his return to Rio de Janeiro, are those of the 27<sup>th</sup> & 30<sup>th</sup> of March last <sup>2</sup> of which the inclosed are copies marked B.

<sup>1</sup> Above, this part, note 2, p. 325. Just what were the enclosures marked A cannot be indicated since no enclosure with this despatch bears this mark. Presumably, they were the enclosures mentioned in Brent's letter of March 19.

<sup>2</sup> These two letters of Hopkins follow:

*Edward A. Hopkins to Henry A. Wise, United States Minister to Brazil*

MONTEVIDEO, March 27, 1846.

SIR: I arrived here a few days since from Buenos Ayres, after a delay there of twenty days in conformity with the desires of M<sup>r</sup> Brent.

My mission has been unsuccessful, and the dignity of the U. States has been insulted most grossly in the person of M<sup>r</sup> Brent, by Gen<sup>l</sup> Rosas, inasmuch, as he accepted with expressions of the most friendly kind the mediation of the U. States, & in reply to the propositions of Paraguay through it, he has, so far from showing a cordial spirit of conciliation & compromise towards her, and of faith in the said mediation, absolutely asked of & asserted against Paraguay more than before.

When I first arrived there he refused as I had anticipated, admitting me to the conferences between M<sup>r</sup> Arana and M<sup>r</sup> Brent, until after a personal interview between us; when I was admitted, I however found out that M<sup>r</sup> Brent & myself could not agree, and contrary to his wishes & his letters, on the *twentieth day* I left Buenos Ayres with all hopes on this subject nearly abandoned.

You will see in the circular directed to Gen<sup>l</sup> Guido more especially for your benefit, the bases of the reply of the Argentine Gov<sup>t</sup> to the propositions of Paraguay, which he will doubtless lay before you.

I had several personal conferences with Gen<sup>l</sup> Rosas, in which I fancy I have been able to penetrate the man. My opinion of him, as he is now, is different from all others. Certain it is that M<sup>r</sup> Brent is a mere child in his hands, & that with him he is utterly unfitted to assert or support the dignity of his position or his country.

The latter was more attentive and more complying to me in our last conferences than in the first, and he told me more than I believe he has said to any other man, viz—that I could see him when I wished to do so.

Feeling keenly the mortification which was ever present with me, & caused by the position which I saw my country held in Buenos Ayres, I could not consider it my duty to stay there any longer, as I told M<sup>r</sup> Brent in my last note, "to chase an *ignis fatuus* without form or substance." Had there been visible on his part a sincere desire to work with promptitude & certainty—had there been visible a hope to cling to of ultimate success by delay—had there been visible anything but a desire to tamper with him & with me, on the part of the Argentine Gov<sup>t</sup>, I had acted otherwise. But I thank God I am incapable of lending my presence or my actions to any such folly.

Consequently I left.

When I arrived here I met with Señores Bernardo Jovellanos, and Atanasio Gonzales, the confidential agents of the Paraguayan Gov<sup>t</sup>, just arrived in an English war steamer. They inform me that as yet Paraguay has formed no convention, alliance or treaty, with the Anglo-French intervention, and that they are not authorized to form one. They only come to gain information to enable them to answer the propositions of the said intervention, and in conformity with reports, the Gov<sup>t</sup> will conclude or not a treaty or alliance with them, against Rosas.

They are completely under the influence of true American principles & feelings, and are about to direct a despatch to Asuncion, reporting in most explicit terms against all such measures & ideas. I deem it necessary to remain in this place for some days at this important juncture, when I shall return to Buenos Ayres & try personally my cause by appeal from Arana to Rosas. In case of failure, I shall publicly declare the mediation at an end, for Rosas had been careful to publish that it existed. Then I shall either direct my steps to Paraguay or to the U. States.

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After my first conversation with Genl Rosas, I became convinced more than ever that now is the proper time to revive Genl Bolivar's plan of the *General Congress*, and immediately exerting myself with this object in view, I have already accomplished much towards it.—I know that you & I can bring it about & become the second fathers of a magnificent plan, long since forgotten by all but Bolivia. I will reason the matter with you & sincerely long for your active cooperation.

We see now one of the Gov<sup>ts</sup> of South America insulted by an European intervention in her affairs. Another part, this unfortunate city, is *de facto* an English colony. No one of the independent states of S. America has as yet been able to define or arrange her littoral rights, or to pursue her commerce or river navigation with anything like security; & among many of them exists a deceitful peace cemented by no treaties, & ready to be changed by a thousand ambitious men of different parties, into open & exterminating war. In these questions all claim alike deep & vital interests.

The duties of this Congress should be:—

*First:* to protest solemnly to the world against the armed Anglo-French intervention, as an insult to their individual & collective sovereignty—a precedent dangerous & oppressive; an injury against neutral rights & commerce, uncalled for & unnecessary as a retributive measure, for wrongs committed by the Argentine Govt, against either French or English subjects or residents, in their persons, their rights, or their properties; and to append thereto (the protest) a statement, that the pretences of England & France for this intervention as the GUARANTEES of the independence of the Banda Oriental, are alike false & unfounded.

*Second:* to arrange the limits of their respective States, or form separately the deputies of each bordering state with the other interested, an amicable agreement for a convention to this end on some future occasion.—

*Thirdly:* to regulate by definite & conclusive laws the rights of all to the navigation of the rivers. The benefits would be threefold in this latter; 1<sup>st</sup>, The ultimate settlement of the bone of contention on American principles. 2<sup>nd</sup> The depriving England of a benefit from the second article of her treaty with B. Ayres, by a higher power than one of the contracting parties; and 3<sup>rd</sup>, taking from Genl Rosas, his strongest reason for not granting to Paraguay her independence; which is, that, if he does so, England with her overwhelming commerce by the said article would have a perfect right to penetrate to Paraguay, she then being a *foreign nation*, & thus paralyze all the efforts of the littoral states to create a commerce of their own. I give this as Genl Rosas reason to me. If it is not the true one, at any view it will deprive him of all subterfuge in future. Among other benefits which would arise from this Congress, & which it is impossible to condense in this letter or to overestimate in general, I will mention the following.

The Congress can decide whether deputies from Paraguay are to be admitted as deputies from an independent state. It can decide whether the deputies of Genl Oribe, or those of the *colonial* Govt of this city, are to be the representatives of the Banda Oriental, and by this latter measure agree to or disapprove the ultimatum of the Intervention, which says, that Genl Oribe never shall be acknowledged as the legal President of the Banda Oriental.

It will spread abroad throughout America ideas of fraternity & community in interests hitherto unknown; it will make her feel for & appreciate the blessings of the arts, of agriculture & of commerce, & it will teach her that in them exists her true happiness, her true interests and her sure honor—and above all, I firmly believe that it will be the foundation stone to the edifice of a true Argentine Confederation after our own model, to which if there ever be such a one, Paraguay will eagerly join herself, and be the controlling & regulating member until the time when by an entire change all the independent states shall alike be fitted to perform their own duties.

Last in my enumeration but not least, it will give to Europe a lesson which she will never forget, and which will put a stop to all future attempts like the present on any quarter of our continent, in showing her that we can & will take care of our own affairs, whether of the Northern or Southern continent, & will not tolerate any foreign interference whether *guaranteed* or not. Ah! Sir, my brain whirls with very hope that I may see ere long a scene of such concentrated glory for America—it refuses with the thought of its splendor longer to confine itself to cool reasoning, for it carries me away beyond the bounds of human thought & action. And I do say, that I do believe, that in South America can be found enough national patriotism, enough knowledge, enough independence and enough love for America, to carry out this design with peace and good fellowship; and I do say, that I should be sorry indeed to be compelled to think otherwise.

As regards the measures I have already taken I will tell you this. I have written to

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Señor Manuel Rodríguez, a brother officer of Bolívar's, and now Bolivian Minister in Buenos Aires, for his reply on this subject. It is in entire conformity with my ideas, & he farther informs me that Bolivia, always faithful to the grandest design of the great man whose name she bears, has now ready [already?] named her deputies for this Congress, and he recommended Lima as the best point. I should myself recommend the city of New-Orleans, as it is easier arrived at by the way of the isthmus, by all the deputies, & more entirely free from European bribery & influences, than any city of this continent. Genl Rosas has stated to me his readiness to send his deputies to the same Congress, and the Bolivian Minister has sent to his Government, together with his own concurrence to the same effect, my letter to him, in which I beg him to solicit his Govt to "put the ball in motion" with Chili and Columbia.

I will attend to Genl Rosas—Genl Oribe & Paraguay. I leave to you the most important part, that of inducing the Emperor of Brazil to make without delay the public or private call as may be best judged, and of naming the city of New-Orleans as the spot. We ask no seat or vote in this Congress, but we ought to claim a right to offer our advice and the force of our example, and a place, abroad from all sectional prejudices & influences of whatever kind, free as the air & the institutions our forefathers have given us.

I am confident you will join with me in asking the Government of the U. States, to procure permission of the State Govt of Louisiana for the use of this city for this purpose, & of transmitting it to the Emperor of Brazil.

The Brazilian chargé here has asked me for memoranda on this idea, for the purpose of writing to Sr Limpo de Abreu. I shall give him verbatim an extract of this letter.

I forgot to state above that I have talked with many Argentines & with the Paraguayan Agents, upon this plan, for the purpose of preparing the public sentiment, & have been pleased to find universally, that it is fully ripe. All have agreed with me that *now* this very year if possible and in view of this Intervention, is the appropriate time, for the whole continent is rapidly awakening to its own importance in the political scale.

I doubt not that the U. S. Govt would gladly lend their men-of-war on both stations to the conveyance of these deputies. In fact it would be difficult to give them a duty to perform more in accordance with our own interests. I would willingly engage with simple credentials to all the independent powers of South America, to visit each & every one of them in person, & collect together their deputies in the city of New-Orleans, with this assistance, in ten months from this date, at the forfit [*sic*] of my life.

As an evidence of the promptitude & spirit of South America in this question of the Intervention, I will relate to you the following news. Three months past the Bolivian Minister in Buenos-Aires, disgusted with the treatment of Rosas, his presumptions claims of part of the Bolivian territory, & his refusal to make a fair treaty the draft of which I have seen, was about to withdraw the first favorable opportunity in obedience to the orders of his government. Last week he received despatches brought by a commissioned officer from the Govt of Bolivia, ordering him to remain & offer in its name all sympathy & aid to Rosas against the Intervention. Also if he was met with on his return to his own country, he was directed to proceed again immediately to B-Aires. This action of the Govt of Bolivia was consequent upon the news of the battle of Obligado. Also the day before I left B. Aires news of a similar nature arrived there in twenty days from Valparaiso. This is, as I have well explained to Genl Rosas, not because he or his Govt is popular, but because it is an American question against an European one.

I have also requested Bolivia to send a diplomatic agent to Asuncion.

Chili & the *colonial* government of this city, have recognized the independence of Paraguay, and I should not be astonished to hear that *now* England & France have done the same. . . .

M<sup>r</sup> Hamilton tells me that he has sent you the last news from England by the "Resistance", therefore I will not repeat them. It is gratifying however to see the germs of a rupture between England & France in this business. "A crown for jealousy & nought love." (i.e. political love.)

Another thing I have turned my attention to. To wit, a prevention against the attempt on the part of the *colonial* Govt here, to place Genl Rivera at the head of the Paraguayan forces, and so embroil them with Genl Oribe, & prostitute her cause to their own purposes. I have firm hopes that Paraguay will not bear [hear?] to this, and that she fully understands the character & abilities of the man they would make her ruin.

The General is here as you are aware, & not allowed to go on shore by his enemy Suarez.

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I take this opportunity of testifying that on my late visit to Buenos-Aires, I received very attention from Com<sup>dr</sup> Lawrence Rousseau, that from the nature of my past connections I could expect.

I hope the despatches delivered to M<sup>r</sup> French have been found. They were very important, & I should greatly regret that by his negligence the Imp<sup>l</sup> Gov<sup>t</sup> might be led to suspect, want of fidelity to perform an act of kindness on my part. The fact of the business between us is, that Sr Limpo de Abreu has written to the Brazilian chargé here about it! From that I judge they have not appeared. Do me the kindness to make official inquiries about them?

M<sup>r</sup> Harris is anxiously expected here. I hope he may come before I leave, as I am most anxious to hear from the Dep<sup>t</sup>. If you have anything for me or of interest to me, please send it, as I shall be here probably for a month. Directed to M<sup>r</sup> Hamilton, Sec<sup>y</sup> & thank you for a letter from my father, the first I have yet seen.

The first part of my *Memoranda* was taken from this letter, I will send you the *Memenda*. Since beginning this letter the English Packet has arrived with M<sup>r</sup> Ousely's despatches. By it he has received full powers for the river La Plata, & all his acts have been approved by the home government. He has discretionary orders in reference to the British troops; also full command over all the forces of H. B. M. on this station. This is conclusive enough—we have here likewise the declaration of Guizot to the same effect.

I have not had time to write to the Sec<sup>y</sup> of State yet, but will do so by the next vessel. I forget not to present my kind remembrances to your family, in which include its most important member.

I am, Sir, [etc.].

Edward A. Hopkins, to Henry A. Wise, United States Minister to Brazil

MONTEVIDEO, March 30, 1846.

SIR: I have far different news to communicate to you than those contained in the closing paragraph of my letter of the 27<sup>th</sup> inst—and from a more reliable source.

M<sup>r</sup> Ousely has been appointed Minister here to the colonial gov<sup>t</sup>, and not with full powers as before supposed. This may be considered a preparatory move to sending out another to Buenos-Aires, & consequently a disapproval of his acts.

The commanding officer of the 45<sup>th</sup> regiment has received positive orders to proceed to the Cape of Good Hope. These orders he has shown to M<sup>r</sup> Ousely, & told him that if he was to be detained, he must give him written orders at his own peril. M<sup>r</sup> Ousely lied that he would do so, as yet he has not.

The "Resistance" brought here six officers for Admiral Dacres on the cape station, and also a commander for the "Curacoa", in place of Sir Thomas Paisley. This latter 6 gun razee, together with the frigate "Eagle", have been ordered from the force, around the Horn to "Oregon", and another frigate, the "Cadmus" I believe, is ordered from England for the same station.

The supplies of three dollars a day, to the distressed English subjects brought from Buenos-Aires by M<sup>r</sup> Ousely, have suddenly *disappeared*, & they are returning to their homes & property by every conveyance in great numbers.

The French Gov<sup>t</sup> has strongly protested against the landing of the English troops here, & confidently think that it is their intention to withdraw from this business & throw the odium on the English, thereby repaying them in their own coin for the debt contracted in the time of the French blockade of B. Aires.

It is very true that the Baron de Mareuil is still in Rio de Janeiro, and that the Baron Haudis, though doing full as much as M<sup>r</sup> Ousely, has kept himself very quiet. On the contrary, the latter, English like, has sought all the notoriety.

We look for the next English Packet to learn the fate of the 73<sup>rd</sup> regiment. When the last packet sailed neither the news of the change in their destination, nor of the battle of Obligado had arrived in England.

All this renders our cause with Rosas in behalf of Paraguay more difficult of settlement. Indeed things look brighter for him every moment, for Gen<sup>l</sup> Paz is reported by all who know him here, as a *common drunkard*; & there will be nothing in the world to prevent him walking into this city, when the English troops are withdrawn. Urquiza in his incursion to Corrientes, took prisoner Gen<sup>l</sup> Madariaga, the right hand man of Paz, & brother of the governor of that province, & defeated his vanguard, then retreating as was his evident policy, he has driven before him into Entre Rios every living

These letters from both gentlemen excited, of course, no little apprehension on my part of personal differences between them, and of consequent mischief to the interests of the U. States. With the former I resolved to have nothing to do, but felt it my duty to try to prevent the latter. As soon as the last letter was rec'd, therefore, on the 12<sup>th</sup> inst, I wrote a letter to M<sup>r</sup> Hopkins of which the inclosed is a copy marked "C".<sup>1</sup> The copy of it was not fin-

Footnote 2, page 332—*Continued*

thing; nor will the President of Paraguay allow any cattle to cross the river Paraná for the support of his army. He has billeted it upon the Corrientinos.

I have had long conversations with the plausible M<sup>r</sup> Ousely.

My respects—to your family [etc.].

<sup>1</sup> This letter from Wise to Hopkins follows:

RIO DE JANEIRO, April 12, 1846.

DEAR SIR: I have rec'd your several letters of the 23<sup>rd</sup>, 27<sup>th</sup>, and 30<sup>th</sup> of March. I now inclose to you two letters, or a letter & package which came to my hand for you on the day before yesterday. The letter was broken open by me before I perceived that it was to your address, which might well happen, as you may see, from the superscription.

I regret very much the failure of your message to M<sup>r</sup> Brent, and of his mediation on the part of the U. States with the Argentine Gov<sup>t</sup>. I sincerely trust that in the affair you have committed no mistake. This, of course, I say in the candor of a friend. You were not entitled to audience of either Gen<sup>l</sup> Rosas, the Gov<sup>r</sup>, or of M<sup>r</sup> Arana, Min<sup>r</sup> of F. Affairs. M<sup>r</sup> Brent was your only proper medium of communication. If you have attempted a conference, without the concurrence of M<sup>r</sup> Brent and the invitation of the Argentine Gov<sup>t</sup>, and with the latter even without the former, you have, I fear, done wrong. Whatever difference or disgust you may have felt at the course of the Chargé of the U. States, you should have neither manifested nor expressed it to any one else than to him, if to him. I regret exceedingly that your differences were not concealed at least from Rosas & Arana. I trust that you had no unpleasant differences with them as to the point of your being present at the conferences. I am at a loss to know in what light Gen<sup>l</sup> Rosas, as you say, "*acknowledged you*." Your functions were not such as to be known to Gen<sup>l</sup> Rosas, except through M<sup>r</sup> Brent. The U. States had not sent you to B. Ayres, & you went there merely as the bearer of a letter from me to M<sup>r</sup> Brent making known to the Argentine Gov<sup>t</sup>, through him, the result of your agency with the Gov<sup>t</sup> of Paraguay. I venture these remarks to you, because I apprehend that serious differences have occurred between you & M<sup>r</sup> Brent, for which I may possibly be held unjustly responsible. I certainly was sure that you fully comprehended your relations to M<sup>r</sup> Brent, and that you would act in conformity to them, or I should not have taken the responsibility of advising you to proceed to B. Ayres. I hope that your course has been blameless, & expect at all events that you will exculpate me from all possible censure by [ ] Gov<sup>t</sup>. I regret that you did not proceed either directly on to Paraguay and report the failure of the mediation, or report to Pres<sup>t</sup> Lopez from M. Video and return to the U. States, or else return, after seeing the Paraguay com<sup>r</sup>, immediately back to B. Ayres. I judge from all the information rec'd both from you & M<sup>r</sup> Brent, that the mediation has failed & shall so report to the Department of State at Washington.

In the offer of his basis by Rosas, however, I see nothing insulting to the U. States' mediation.

I am glad to hear so favorable a report of the dispositions of the confidential agents of Paraguay. They don't say, though, that Paraguay *will not* form a convention, alliance or treaty with the Anglo-French intervention—she has only *as yet* not done so, and that *they* are not authorized to form any such. From this I apprehend the worst. The Intervention is at Assumcion, & I now fear that the virus had taken before you left there. Those people—none of them—understand either the true American feeling or the true American policy on any question.

You say you deem it necessary to remain at M<sup>r</sup> Video for some days, when you will return to B. A. "and try personally your cause *by appeal* from Arana to Rosas." I pray of you to *forego* any such determination. What appeal can you possibly have from Arana to Rosas? None personal surely, & certainly none as a Gov<sup>t</sup> agent of the U. States to Paraguay. I urge as well as advise you most earnestly against any such



ished when M<sup>r</sup> Hopkins himself arrived at my house. I furnished him with the copy in person. He spoke of many matters connected with himself & M<sup>r</sup> Brent and the Argentine Gov<sup>t</sup>. I showed him the paper signed by "Perez"<sup>1</sup> which he contradicted & offered to explain. He read to me a letter which he had addressed to M<sup>r</sup> Brent,<sup>2</sup> which I disapproved of, and which he promised to retract at my suggestion and which he afterwards

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course. If you feel that the mediation & your message to B. Ayres is in vain, return to Paraguay or to Washington at once, and by all means abstain from returning to B. Ayres with any feelings of disgust or mortification in respect to M<sup>r</sup> Brent, or with any feelings of resentment towards Sn<sup>r</sup> Arana.

As to the revival of the plan of Gen<sup>l</sup> Bolivar for a *Gen<sup>l</sup> Congress*, that is a subject, full of doubts & difficulties, with which I must decline having any sort of connexion. And I beg of you to abstain from meddling with it whilst you are a *special agent of the U. States* on another & far different subject, which might possibly in some way or other conflict with it. It is enough for me to say that I have no instructions on that subject, and am very sure that I shall have none. And I am sorry to say that the opinion I have formed of the Spanish provinces forbids me to hope anything from their union, wisdom, capacity of self-gov<sup>t</sup> or any other virtue out of which any good could be expected, or to which the U. States ought to think of committing themselves. All that we can do is to watch their wayward & wanton revolutions, & make the best we can out of them for our own commerce & general interest. That is all I wish to see done now. I do trust that you did not attempt to introduce that subject to the Argentine Gov<sup>t</sup> in connexion with the question of mediation; & that in all you do you will keep it and everything else separate from your special agency. I cannot on this subject of a General Congress intercede, as you request, with the Brazilian Gov<sup>t</sup>, & if Sn<sup>r</sup> Limpo de Abreu mentions the subject to me I must candidly express to him my opinion that the U. States will have nothing to do with it. The Panama Affair was too hot a failure, with which some fingers were burnt. No, No, your ardent temperament & honest zeal, & fervid Americanism must not mislead you into the deceptive imagination that these ignorant, degraded, lawless, savage, mongrel-Spaniards are capable at all of appreciating much less producing among themselves a peaceful, happy, civilized & strong political organization like our own. Time & revolution alone can bring them to the permanent level of their fitness.

All the news you give but assures me that Rosas will not recognize the Independence of Paraguay. My advice, therefore, is to collect all the information you have—send your report to President Lopez, & return immediately to the U. States.

I am gratified to know from you that Comd<sup>re</sup> Rousseau treated you with so much kindness & respect.

The despatches you brought from Assuncion to the Imp<sup>l</sup> Gov<sup>t</sup> were finally found in the hands of M<sup>r</sup> French's messenger. Some difficulty & doubt was excited about the matter, which I explained & removed. I have rec<sup>d</sup> nothing from the Depart. in respect to your Agency since you left.

Since you left Rio, a bill has been presented to Maxwell Wright & C<sup>o</sup>, drawn by you in favor of some person at Assuncion, of which M<sup>r</sup> Wright says you gave him no notice when you were here. It has been honored, but you had better explain your failure to notify them when you settled with them by giving them bills on the Sect. of State whilst here.

I have heard nothing from M<sup>r</sup> Harris. The news from the U. States is pacific, but our trade has suffered immensely by the apprehensions of war caused by panic makers & speculators. You must take every word of this in good part, as the plain talk of an honest & sincere friendship for you.—If your agency, so far as the mediation is concerned, must fail, still it will have vastly repaid the Gov<sup>t</sup> in the information you have procured for it. And I desire it to be said that you have done all you or any one could do, & have done nothing wrong.

Truly yr friend, [etc.].

<sup>1</sup> For this document which is a long memorandum, dated March 12, 1846, of an interview between Hopkins and Arana, Minister of Foreign Affairs at Buenos Aires, see above, vol. I, pt. II, doc. 165, where it is included with a brief note, of the same date, from Arana to Brent, transmitting it to him.

<sup>2</sup> This letter from Hopkins to Brent has not been identified.

told me he had retracted by letter written here. But I have no recollection that he alluded at all to any correspondence between himself & Capt: Henry, or to any letter written by him to Gen<sup>l</sup> Rosas.<sup>1</sup> Certainly, he read no such letter or correspondence to me. He referred, in conversation, with apparent confidence, to Com<sup>dre</sup> Rousseau for a fair & impartial account of what had occurred at Buenos Ayres in relation to himself. He sailed from this port on the 19<sup>th</sup> ins<sup>t</sup>. And not wishing to mingle at all in what appeared to me purely personal matters, I abstained purposely from alluding to these subjects in my last despatch which M<sup>r</sup> Hopkins bore.

Since the 19<sup>th</sup> Com<sup>dre</sup> Rousseau, with the Columbia of Saratoga, arrived here, and yesterday he furnished me with the inclosed copies of papers marked "D." They are copies of a letter from M<sup>r</sup> Hopkins to Gen<sup>l</sup> Rosas, of M<sup>r</sup> Arana's notice thereof to M<sup>r</sup> Brent,<sup>2</sup> and of the correspondence of M<sup>r</sup> Hopkins with Capt: Henry, & of the correspondence of the latter with M<sup>r</sup> Consul Hamilton at Monte Video.<sup>3</sup> It is not for me to characterize these proceedings of M<sup>r</sup> Hopkins. The only comment which it is my province to make is: that the *whole scope* of *all* the advice, counsel, or views which, under instructions, I gave to M<sup>r</sup> Hopkins, is to be seen in my letters to him, particularly those of the 11<sup>th</sup> of February last and of the 12<sup>th</sup> ins<sup>t</sup>,<sup>4</sup> which have heretofore been and are now transmitted to the Department; that there was nothing in my course, conversation or correspondence which could possibly be construed to incite or prompt such proceedings, whether right or wrong, on the part of M<sup>r</sup> Hopkins; and nothing on my part I trust, which can in the slightest degree deserve the disapprobation of the President of the U. States.

Inclosed is a copy of a letter marked "E." in reply to his heretofore sent to you, which I have just addressed to President Lopez, of Paraguay.<sup>5</sup> . . .

With the highest respect [etc.].

<sup>1</sup> For Hopkins's astounding letter to Rosas, dated March 19, 1846, see above, vol. 1, pt. II, doc. 173, note 2, p. 343.

<sup>2</sup> See vol. I, pt. II, doc. 173.

<sup>3</sup> The correspondence between Hopkins, Captain Henry, and Consul Hamilton, is not included in this publication.

<sup>4</sup> For the text of Wise's letter to Hopkins, of April 12, 1846, see above, this part, doc. 593, note 1, p. 336; and for that of February 11, 1846, see vol. 1, pt. II, doc. 164, note 1, p. 330; and for comment regarding the latter, see above, this part, doc. 589, note 1, p. 319.

<sup>5</sup> Wise's letter to the President of Paraguay follows:

RIO DE JANEIRO, April 20, 1846.

SIR: The letter, which Your Ex<sup>ty</sup> did the Undersigned the honor to address to him, on the 28<sup>th</sup> day of Dec<sup>r</sup> 1845, was duly received; through the prompt agency of M<sup>r</sup> Edward A. Hopkins, in the early part of the month of February last. The Undersigned has awaited the issue of important movements, caused by its contents, to return to Y<sup>r</sup> Ex<sup>ty</sup> a proper answer. These movements & their issue he will proceed to describe.

Your Ex<sup>ty</sup>'s letter found the Undersigned, as Envoy &c of the U. States at this court, without instructions or powers from his Gov<sup>t</sup>, on the subject of it, other than that to aid & advise M<sup>r</sup> Hopkins, generally, in the conduct of his special agency to Paraguay. But this power the Undersigned hesitated not to exercise so far as to counsel M<sup>r</sup> Hopkins not to permit the objects of Y<sup>r</sup> Ex<sup>ty</sup> to fail for the want of instructions to him to proceed, in any contingency to Buenos Ayres, or for the want of express & definite powers upon which he was to act in case his tender of the mediation of the U. States

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should be accepted as it was by the Supreme Gov<sup>t</sup> of the Republic of Paraguay. And the Undersigned, immediately, upon the receipt of Your Ex<sup>ty</sup>'s letter, on the 11<sup>th</sup> day of February last, gave his written advice to M<sup>r</sup> Hopkins to the following effect:

1<sup>st</sup> The Undersigned set forth, verbatim, the information contained in Y<sup>r</sup> Ex<sup>ty</sup>'s letter; enumerating distinctly, as therein contained, the points insisted upon by the Republic of Paraguay, as the bases of any adjustment to be concluded with the Argentine Confederation.

2<sup>ndly</sup> He detailed the information received from M<sup>r</sup> Hopkins himself, for which reference was made to him by Y<sup>r</sup> Ex<sup>ty</sup>.

3<sup>dly</sup> He added whatever other material information was to be obtained at this court. And:

4<sup>thly</sup> Finally, advised M<sup>r</sup> Hopkins to proceed with all possible despatch to Buenos Ayres & there to submit all this information to W<sup>m</sup> Brent Esq<sup>r</sup>, Chargé d'Affaires of the U. States, & through him to the Argentine Gov<sup>t</sup>. And the Undersigned failed not to second the terms proposed by Paraguay by all the argument & proof in his power to show that they were honorable & just.

M<sup>r</sup> Hopkins, with the message to M<sup>r</sup> Brent, described, arrived on the 27<sup>th</sup> of February last at Buenos Ayres. He returned to Rio de Janeiro during the past week, & departed hence for Washington on the 19<sup>th</sup> inst. From M<sup>r</sup> Brent the Undersigned has received an official report of the proceedings of the mediation at Buenos Ayres. He states that after receiving information of the Treaty of alliance, offensive & defensive, against the Gov<sup>t</sup> of Buenos Ayres, by the Gov<sup>ts</sup> of Paraguay & Corrientes, & after receiving a letter from the Undersigned, dated the 12<sup>th</sup> of January 1846, he, on the 31<sup>st</sup> of January 1846, offered to the Argentine Gov<sup>t</sup> the mediation of the U. States.

Thus 27 days before M<sup>r</sup> Hopkins arrived at B. Ayres the mediation of the U. States was offered to Gen<sup>l</sup> Rosas & it was accepted on the 26<sup>th</sup> of February thereafter. And on the 27<sup>th</sup> of February an order was issued by the Argentine Gov<sup>t</sup> to Gen<sup>l</sup> Urquiza not to invade the Paraguay territory under any consideration. This order was issued, doubtless, in consequence of the mediation of the U. States, & partly in consequence of the information which M<sup>r</sup> Hopkins had communicated to the Undersigned, & which he communicated in his letter of Jan<sup>y</sup> 12<sup>th</sup> to M<sup>r</sup> Brent, that Y<sup>r</sup> Ex<sup>ty</sup> had assured M<sup>r</sup> Hopkins that the Gov<sup>t</sup> of Paraguay would *refrain from invading the Argentine territory & wait a reasonable time, four months say, to receive intelligence of the success of the proposed mediation of the U. States.*

The information, thereafter carried by M<sup>r</sup> Hopkins to Buenos Ayres, on the 27<sup>th</sup> of February, that *Paraguay notwithstanding the alleged previous assurances of Your Ex<sup>ty</sup> to M<sup>r</sup> Hopkins, had already marched an auxiliary army into Corrientes, reached the Argentine Gov<sup>t</sup> at an inauspicious moment*, & it was well calculated to cause doubt & distrust & seriously to impair the success of the mediation. This was much to be regretted. Still, however, the mediation proceeded. On the 28<sup>th</sup> of February M<sup>r</sup> Brent presented a copy of the letter of the Undersigned containing the bases of Paraguay, to the Argentine Gov<sup>t</sup>. It was not until the night of the 18<sup>th</sup> of March that he received the propositions of that Gov<sup>t</sup> in reply. These as yet have not been communicated to the Undersigned. But on the 16<sup>th</sup> of March the Argentine Gov<sup>t</sup> presented to M<sup>r</sup> Brent the "bases of that Gov<sup>t</sup> conducive to an equitable & honorable arrangement of the pending differences with" Paraguay.—

"1<sup>st</sup>—The Gov<sup>t</sup> of the Argentine Confederation recognizes the Independence of the Province of Paraguay in all that concerns the internal management & administration, in the same way as the Argentine Confederated Provinces are:—that of Paraguay adhering to the Confederation in the form and terms established in the fundamental compact of the 4<sup>th</sup> of January 1831, subject to the duties which said Provinces have imposed on it, & with a right to the privileges which have been reserved to it in the same (compact).

"2<sup>ndly</sup> The Gov<sup>t</sup> of the Argentine Confederation, as soon as the Province of Paraguay unites itself to it, recognizes in the inhabitants of Paraguay the freedom & security of entering & passing with their vessels & cargoes in all the ports, rivers & territories of each one of the Provinces of the Confederation, exercising in them their industria, with the same freeness just rights & protection which the natives of the Province enjoy where they may reside, be it permanent or accidental; & in the same stipulated terms as are contained in the 8<sup>th</sup> article of the treaty celebrated with the littoral provinces on the 4<sup>th</sup> of Jan<sup>y</sup> 1831.

"3<sup>rd</sup> The Gov<sup>t</sup> of the Argentine Confederation recognizes the integrity of the territory of the Province of Paraguay. In case the immediate arrangement of the limits is

Footnote 5, page 338—*Continued*

not desirable, & meanwhile amicably & pacifically to explain them, the statu quo fixed in the 4<sup>th</sup> article of the convention celebrated between the Most Excellent Gubernatorial Juntas of Buenos Ayres & Paraguay, on the 11 of Oct: 1811, should be respected."

"This," M<sup>r</sup> Brent writes to the Undersigned, "puts the mediation in possession of the bases of Paraguay & Buenos Ayres."—He adds.—"All I can say for the present is that I shall set about examining the papers sent me by M<sup>r</sup> Hopkins, & which he tells me contain the reasons for the views of Paraguay, & I shall also examine the papers presented by the Argentine Gov<sup>t</sup>. As Mediator, I do not feel justified in proceeding without such examination."—

M<sup>r</sup> Brent, thus, by the last advices was examining, as Mediator, the respective bases of the two Gov<sup>ts</sup> of Paraguay & of the Argentine Confederation. And in that state of the proceedings M<sup>r</sup> Hopkins departed from Buenos Ayres, & thus far only has the Undersigned reported to the Gov<sup>t</sup> of the U. States, and now informs Your Ex<sup>cy</sup> the President of Paraguay.

Being without due authority, the Undersigned cannot otherwise than *unofficially* assure Y<sup>r</sup> Ex<sup>cy</sup> that the sense of satisfaction manifested by the Supreme Gov<sup>t</sup> of Paraguay at the mediation tendered by the Gov<sup>t</sup> of the U. States will be very gratifying to the President of the U. States. The U. States have been truly disinterested in their overtures of friendship to the Republic of Paraguay. They seek exclusive advantages from no foreign nation on earth. Theirs is a policy of just equality & reciprocity with every nation, neighboring or remote. They desire not to appropriate & would not appropriate to themselves, if they could, either by force or by favor, a single privilege of intercourse with Paraguay which should be alike enjoyed by every nation of the world. They ask only amity, & equality & reciprocity of commerce with any nation & are jealous only of aggrandizing & monopolizing spirit among ambitious Powers.—By following the pure, wise & virtuous counsels of the "Father of their Country," Gen<sup>l</sup> Washington, to cultivate peaceful & commercial relations with all nations & *to form entangling alliances with none*, they have arrived at not only Independence but a height of grandeur & power which commands respect, & fortifies all their interests & their honor. They are now, in strength exalted far above the necessities of art, stratagem, subtlety or fraud. There is no reason for them to deceive a People, like Paraguay, struggling in infancy for freedom & independence. Such a People must excite no other feeling with the Gov<sup>t</sup> of the U. States than that of sympathy & good will, and cause no other acts towards them than those of amity & assistance. They will not involve themselves by guarantees or by alliances, but they can & will & do exert a moral power among the nations of the earth, far stronger & far more lasting than the force of arms. All they desire is to see every People, who choose it & who are fit for it, enjoy freedom in their own mode, secured by a liberal & prosperous system of permanency, order & power. Therefore it was that they sent a special agent to Assumption. He had instructions only to obtain proper information to enable the President & Congress of the U. States to judge whether Paraguay was entitled to her independence & whether she had the means to maintain it, & to tender simply their mediation & kind offices of their Gov<sup>t</sup> to effect an amicable adjustment with the Argentine Confederation. Beyond this M<sup>r</sup> Hopkins had no powers, authority, or instructions whatever, & whatever beyond this he may have assumed to say or to do he must be regarded as having said or done solely as a private individual & on his own mere personal responsibility. He will make his report to the Gov<sup>t</sup> of the U. States & upon that, in part, may depend its determination to recognize or not the independence of Paraguay. But much more depends, in respect to such a recognition, on the policy which may be adopted by Paraguay herself. If the U. States are persuaded that the countries of Entre Rios, Corrientes, & Paraguay are about to form a confederacy, & to unite in a warlike treaty against the Argentine Republic, under the auspices & as allies of the Anglo-French Intervention, yielding to the latter certain exclusive advantages of commerce & navigation for & in consideration of military aid, they will withhold all interposition, except perhaps to protest against any such example by American States.—But if Paraguay maintains her independence, with true dignity & sovereignty, separate from all European alliances, & without yielding her paramount interests to a temporizing policy, & without trammelling her political & commercial relations by complicated treaties of monopolies on the one hand & guarantees on the other; the Undersigned is confident that the U. States will, without force, but with every kind office & with their whole moral power, aid her in the establishment of the proudest position a nation can assume, that of a free, separate & independent sovereignty, unfettered by foreign ties, & unembarrassed by such unwise pledges of national faith as she may in time find it to be against both her honor & her interest to fulfil.

N.B. A note of M<sup>r</sup> Walsh dated the 21<sup>st</sup>:<sup>1</sup> at this place, will give you the latest extraordinary news from Monte Video. After demanding his passports of Brazil, & then decreeing him banishment on his arrival, the Gov<sup>t</sup> of Uruguay was itself at last expelled by Riveira after shedding some blood. This will strengthen Rosas.

I send also a copy of a letter which I have deemed it proper to address to M<sup>r</sup> Brent, marked "F."

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*Henry A. Wise, United States Minister to Brazil, to James Buchanan, Secretary of State of the United States*<sup>2</sup>

No. 46

RIO DE JANEIRO, June 19, 1846.

SIR: The day before yesterday I received by the hands of Doctor Don Diego de Alvear, the despatches of the Department N<sup>o</sup> 21 & N<sup>o</sup>—, the former dated the 31<sup>st</sup> of March & the latter the 4<sup>th</sup> of April last, signed by Mr. Trist Acting Sec<sup>y</sup> of State.<sup>3</sup> They found me just recovering from a month's severe illness. The credit opened for me on special account with Mess<sup>rs</sup> Baring Brothers & Co., to meet the drafts which M<sup>r</sup> Hopkins might draw

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Footnote 5, page 338—*Continued*

The Undersigned is informed that the Paraguayan Commissioners at Monte Video regarded the U. States' mediation as having failed. He trusts not. But, if it is so to be regarded by Paraguay, from the character of the bases proposed by the Gov<sup>t</sup> of the Argentine Confederation, still the Undersigned hopes that Paraguay will abstain from all alliance & treaty, for the present at all events, with the Armed Intervention of England & France.

M<sup>r</sup> Hopkins requested the Undersigned to forward what is contained in the inclosed package. The Undersigned knows nothing of the contents, & must not be deemed responsible for them.

The Undersigned has the honor [etc.].

1 Mr. Walsh's note follows:

*Tuesday—April 21, 1846.*

MY DEAR SIR: I arrived last night in the Columbia, but, with my usual luck, am so ill as to be obliged to keep my room. I hope, however to be able in a day or two to pay you my respects & to resume my place in the office. We had a pleasant passage of twelve days. Just before we left there was a sort of revolution in M. Video on account of Rivera. The troops rebelled, fired upon their general & frightened the Gov<sup>t</sup> into M<sup>r</sup> Ouseley's garret where it lay perdu for several days during which all was confusion & anarchy with a little spilling of blood. The English & French would not interfere forcibly on the ground that they had no right to intermeddle in the domestic dissensions of the place! a piece of logic in very pretty keeping with the rest of their mediation. They prevented, however, anything like pillage & devastation. Matters were arranged by the landing of Rivera at 11 o'clock the night before we sailed—but how long they will stay arranged it is hard to tell. It is certain that no more troops will be sent—the Duke of Wellington has written to M<sup>r</sup> Ouseley that it is impossible to furnish him with a single soldier & directed him to send the 45<sup>th</sup> reg<sup>t</sup> to its destination at the Cape as soon as feasible. Intervention, to all appearance, is approaching its end.

With my best compliments to the ladies.  
very resp<sup>d</sup> & truly.

<sup>2</sup> Despatches, Brazil, vol. 15.

<sup>3</sup> For the instruction of April 4, see above, pt. III, doc. 462.

on me for the sum of twelve hundred dollars, or any part thereof, is now unnecessary, as he departed from this place for Washington city on the 19<sup>th</sup> of April last. He drew by my advice & aid on the Mess<sup>rs</sup> Maxwell Wright & Co., who promptly honored all his bills. He gave them bills on the Department which I trust will be duly honored. His necessary expenses by the time he reaches Washington must have amounted to from twelve to fifteen hundred & his per diem must have exceeded two thousand dollars: so that there will be enough due him by the U. States to cover all advances to him & all his bills. He took an interpreter & guide with him to Assumption, a M<sup>r</sup> A. Baguet, whom he left there, & for whom he left a credit here with Mess<sup>rs</sup> Maxwell Wright & Co. They have lately at my request honored M<sup>r</sup> Baguet's draft on me for \$150 Spanish, & I suppose he will require that much & more, in addition, to pay his per diem & expenses back to this place. But the credit for M<sup>r</sup> Baguet's expenses, as near as they could be come at, was included in Mr. Hopkins' bills on the Department in favor of Mess<sup>rs</sup> Maxwell Wright & Co., so that the bills already drawn by M<sup>r</sup> H. on the Dep<sup>t</sup> will probably cover the whole am<sup>t</sup> necessary to meet the balance of expenses here. Messrs. Maxwell Wright & Co. very handsomely, at my request, met the responsibilities of the Gov<sup>t</sup> for the Special Agency, & I trust that they will have no difficulties with their bills. Some of M<sup>r</sup> Hopkins' vouchers, as he said, were left with M<sup>r</sup> Baguet at Assumption. As soon as the latter gentleman returns to this place with them, they shall be forwarded to the Dep<sup>t</sup>.

As M<sup>r</sup> Hopkins has gone home, I return the sealed despatch of the Gov<sup>t</sup> for him;<sup>1</sup> the copy is retained & recorded in this office. I was apprehensive that his course at Assumption would not be approved; and whilst on this point I beg leave, as soon as my attention has been called to it, to correct an error of my own in my despatch N<sup>o</sup> 39.<sup>2</sup> In stating my reasons for advising M<sup>r</sup> Hopkins to proceed to B. Ayres with a message from me to M<sup>r</sup> Brent, communicating the letter of Pres<sup>t</sup> Lopez, I said "And if we have all gone too far in assuming the responsibility of Mr. Hopkins going to B. Ayres as a bearer to M<sup>r</sup> Brent of the mediation of the U. S. between Gen<sup>l</sup> Rosas & Paraguay, *it must be remembered that he was duly authorized to tender that mediation &c. &c.*" The words underscored express a decided error. There was no express authority for M<sup>r</sup> H. to tender the *mediation* of the U. States. I should have said: "it must be remembered that he was duly authorized after having with prudence & perseverance acquired all the information in his power to satisfy him that Paraguay was in fact an independent nation, & was capable of maintaining her independence," to "commit the President on the question of the recognition of the independence of Paraguay": & to have added—"that the mediation has been accepted &c. &c." Believing

<sup>1</sup> For this instruction, to Hopkins, dated March 30, 1846, see below, the volume and part containing Communications to Paraguay.

<sup>2</sup> For his No. 39, dated February 18, 1846, see above, this part, doc. 589.

it important that M<sup>r</sup> Brent should receive the message which I sent him, & that M<sup>r</sup> Hopkins, trusted as he was by the Gov<sup>t</sup>, was the most proper person to bear it, I hesitated not to advise & counsel him as I did in my letter to him. But why he & M<sup>r</sup> Brent ever laid that letter before the Argentine Gov<sup>t</sup>, as they did, I cannot comprehend. A synopsis of it has been published, with the whole conduct & correspondence of M<sup>r</sup> Hopkins in B. Ayres; & I cannot but again express the regret, after knowing what M<sup>r</sup> Hopkins' unexampled course has been, that he ever with my advice went to B. Ayres with the message to M<sup>r</sup> Brent. He was but a messenger to M<sup>r</sup> Brent, yet he seemed to suppose himself invested with a diplomatic character & with extraordinary powers, at B. Ayres as well as at Assumption. And at B. Ayres, especially, he went far out of the pale of his agency to enter upon most delicate & extraneous topics. His course there has caused much trouble to Gen<sup>l</sup> Guido, the Argentine Minister at this Court, who has lately been compelled to address to me three long documents, which being in Spanish shall be transmitted as soon as translated & copied. He assures me that his Gov<sup>t</sup> makes no complaint of me, but on the contrary expresses very favorable sentiments; & as a manifestation of its respect it desires that I should be fully acquainted with its whole policy in regard to Paraguay & to the intervention of England & France, to explain & defend which is the object of his communications. He furnishes also a copy of the paper signed Perez as to the offensive personal interviews of M<sup>r</sup> Hopkins with M<sup>r</sup> Arana.

But by a turn of events which would be curious in any other affairs than those of the River Plate, which are never singular except when they are regular & such as ought to be expected, the proceedings of M<sup>r</sup> Hopkins are not likely to involve the U. States in any "serious difficulties before the mischief can be arrested by making known the true state of the facts." The revolt of Corrientes has been suppressed. Paz, the revolutionary Gen<sup>l</sup>, has fled & been deposed from all command, Corrientino or Paraguayan; the army of Corrientes has been totally dispersed, & the Governor, Madariaga, has returned to his allegiance to the Argentine Confederacy; the army of Paraguay has returned to the limits of that Republic; Pres<sup>t</sup> Lopez has declared the treaty, offensive & defensive, with Corrientes, null & void; & the news is pretty authentic, direct from England, that the armed Intervention of Gt Britain & France is to cease, & that Gen<sup>l</sup> Oribe's entrance to Monte Video is no longer to be opposed by those Powers. Thus Gen<sup>l</sup> Rosas is at last to enjoy perfect triumph & success. The authority for this news you will find in the accompanying extracts from letters of M<sup>r</sup> Consul Hamilton at Monte Video, & of M<sup>r</sup> Baguet at Assumption.<sup>1</sup> In addition to these, the Official Journal of this city of the 16<sup>th</sup> inst. stated that the notices from Assumption

<sup>1</sup> The pertinent portions of the enclosed extracts from the six letters to Wise from Consul Hamilton at Montevideo, and the two from Mr. Baguet, at Asunción, the latter having been Hopkins's secretary, or nominally his translator, follow, the latter's being placed first:

Footnote I, page 343—*Continued**A. Baguet to Henry A. Wise, United States Minister to Brazil*

ASUNCIÓN, Paraguay, April 16, 1846.

SIR: . . . . Some days ago I learned from the Brazil<sup>n</sup> Minister that M<sup>r</sup> Hopkins has proceeded to the River Plate, & on the 14<sup>th</sup> inst. arrived here the Baron de Jaen by (Chico Pedro) bearer of official papers for the Minister, who handed me a parcel with dispatches for M<sup>r</sup> Hopkins.

I avail of this opportunity to inform you with important events occurred lately in Corrientes. Since long the Congress was not in good terms with Joaquim Madriaga the Governor. The time of his administration being expired, he refused to give up the power & likewise declined to make them acquainted with the Correspondence held with Urquiza. They requested Paz to send them about 400 men for their defense, in fear of some treason on the part of the Gov<sup>t</sup>. The latter being aware of it went to their encounter with troops & in a fight they had together, about twelve men were killed. After this Gov. Madriaga dissolved the Congress. These facts being known in the army, the disunion raised amongst the troops. One part drew back to Corrientes & the other, commanded by Gen<sup>l</sup> Paz, accused Gov<sup>t</sup> Madriaga to remain at the power against the law & to be willing to reincorporate Corrientes into the Argentine Confed<sup>n</sup> in order to save his brother prisoner of Urquiza. (About two months ago in an attack upon the vanguard commanded by Gen<sup>l</sup> Madriaga he fell senseless under his horse & was made prisoner.) Paz with a small body of troops withdrew, they report, to the Uruguay. The result of this is that the Paraguayan army is coming back, very likely at the order of their gov<sup>t</sup>. They say that an envoy of Corrientes is on the way to the Capital.

About two weeks ago the "Paraguay Independiente" published that Urquiza, in his own name, had proposed to the Governor Madriaga that, if Corrientes was again incorporated into the Ar: Confed<sup>n</sup> & Paz obliged to leave the Country he (Madriaga) should remain as Gov<sup>t</sup> & Capt<sup>n</sup> Gen<sup>l</sup>, & his brother put at liberty—on part of Paraguay that her independence should be proclaimed, if she recalled her troops from Corrientes. I am very anxious to communicate this news to M<sup>r</sup> Hopkins but I do not know how, & perhaps he may be on the way or returned to Rio de Janeiro.

Very resp<sup>d</sup> &c.*A. Baguet to Henry A. Wise, United States Minister to Brazil*

ASUNCIÓN, May 2, 1846.

SIR: Through the courtesy of the Brazil<sup>n</sup> Minister I had the honor to address you under date of 16<sup>th</sup> ult<sup>o</sup> & herewith goes the duplicate for same favor.

On the 24<sup>th</sup> ult<sup>o</sup> arrived here D. Balthazar Dacosta, uncle to Governor Madriaga, as envoy of Corrientes. The only but important news I was informed of, is that the offensive & defensive treaty between Paraguay & Corrientes is null. Also arrived on the 28 of last month Gen<sup>l</sup> Paz. The paper of Corrientes states that Urquiza, after his arrival in Entre Rios has dismissed his troops.

They report that the Paraguayan Army has arrived at the other side of the Parana. I saw in the paper of M. Video that M<sup>r</sup> Hopkins is proceeding to Paraguay with Com: Rousseau in the U. S. brig Bainbridge.

Very resp<sup>d</sup>.*R. M. Hamilton to Henry A. Wise*

I.

MONTEVIDEO, April 30, 1846.

MY DEAR SIR: Since Gen<sup>l</sup> Riverra [Rivera] became Com<sup>r</sup> in Chief of the Garrison, he has driven away several officers from the *Lines*, being Argentines, of whom he is extremely jealous, some have already gone, & others are going up River to join Gen<sup>l</sup> Paz, he is equally jealous of the presence of the English & French military Forces, & it is well known that he wishes them all out of this country. "Entre nous," I should not be all surprized, that an understanding exists between him & Gen<sup>l</sup> Oribe, many are of this opinion; The contract for the provisioning the Troops on the Line being about to expire, & the Gov<sup>t</sup> having no means of renewing it, called upon the Ministers of France & England for assistance, (the sum required monthly is about 45000 Dollars) & they have agreed each to furnish \$12000 per month, so long as the *present members* which form the Gov<sup>t</sup> remain in office, & these sums are to be distributed under the supervision of Ouseley & Deffaudis, the balance of the requisite am<sup>t</sup> depends upon contributions, voluntary or perhaps *forced*, Rivera wished the money placed in his hands; which met with a positive refusal on the part of O. & D. whose great object is to keep Riverra out



Footnote 1, page 343—*Continued*

of the gov<sup>t</sup>, hence the foregoing proviso: Riverra is crafty, & dissatisfied, & I anticipate some serious disturbance ere long, & I am inclined to believe that the English & French are of the same opinion on that head, we know that the former have been busily employed lately in preparing the Transport "Resistance" for sea, placing on board provisions for the Troops, that they may be embarked at a moment's warning; in a word, I have made up my mind, that the British & French in the course of a short time, will withdraw their troops & retire in sullen disgust.

&c &c.

*R. M. Hamilton to Henry A. Wise*

2. MONTEVIDEO, May 1, 1846.
- MY DEAR SIR: All that I wrote you yesterday about Riverra, appears to have been chimerical, inasmuch, as last night, he embarked with some seven hundred troops, *white & black*, on some expedition up the River, which has been attended with *great* secrecy, his object from the best information I have been able to obtain, is, that he intends landing at Colonia & surprize the Besiegers of that place, which he will no doubt accomplish, & then proceed into the interior of the country & augment his forces by the numerous stragglers of his party, which are in all parts of it, he will then raise an army sufficient to harass Gen! Oribe, in the course of a couple of months, now that Urquiza has left this province of the Banda Oriental, there are many Orientals with Oribe, *from compulsion*, who will desert to join Riverra, when oppy. offers. I am anxious to keep you fully *posted*, as to political matters here, but the daily fluctuations are such, as to render it almost impossible the movements vary in their direction as the clouds in a whirlwind, consequently you must concentrate the accounts you receive & glean from them & from your own conclusions; the probability is, that now Riverra has gone, that Adm! Lainé will not rest, until he gets his *favorite*, Pacheco, on shore again, & in command on the lines, Pacheco has been his guest on board his ship since he was driven from the city.

*R. M. Hamilton to Henry A. Wise*

3. MONTEVIDEO, May 10, 1846.
- Gen! Riverra arrived & landed at Colonia with some 600 men on the 2<sup>d</sup> inst<sup>e</sup> where he obtained a reinforcement of 200 more, & 300 Horses, on the 3<sup>d</sup> he marched for the interior, & after skirmishing with some of the flying parties of Oribe, he succeeded in the obtainment of 1000 head of Cattle which he sent into Colonia on the fourth, since when he has not been heard from.
- By the "British Packet" herewith you will be informed of a Revolution, amongst the enemies of Rosas at Corientes, & the dismissal & flight of Paz into Paraguay; this news has struck the Ministers of England & France with consternation, & it upsets their anticipations of the overthrow of Rosas by the combined forces under the direction of Paz.
- I mentioned to you in my letter of the 30<sup>th</sup> ult<sup>e</sup> that Ouseley & Deffaudis, had agreed to furnish \$12000 each monthly for the support of the troops, & it was only yesterday that an arrangement was made by the "Commission" (or purchasers of the duties) for furnishing the balance required, monthly, for the next six months.
- Several Sardinian vessels which were lying in the harbor of Ensenada [Ensenada], were burned by the E. & F. a few days ago, one of which vessels it is said, had 5000 hides on board, *British* property. . . . .

Will you have the kindness to give me your valued opinion, as to the result of the Oregon question, Will it be Peace or War, we understand here that several vessels of war have been despatched from England to the Pacific, & we know that some of those here have been ordered to that destination, but are detained by Adm! Ingfield & Ouseley, as have been the troops destined originally for the Cape of Good Hope, many of the latter have died here, & there are now one hundred of them on their backs in the hospital, there is a general discontent amongst the officers of the Regiments in consequence of their detention, there appears to be but one feeling amongst them, which is, that they have no business here, Capt<sup>n</sup> Henry dined with them on a recent occasion & they thus expressed themselves.

*R. M. Hamilton to Henry A. Wise*

4. RIO DE JANEIRO, May 11, 1846.
- I have but a moment to say that I have just seen a letter which states that Corientes has again become united as one of the Argentine provinces, & Madriaga [Madariaga] remains as heretofore the Governour, Gen! Paz & all the Paraguay troops have flown to Paraguay, Madriaga applied to Urquiza for troops, to prevent the return of Paz,

Footnote 1, page 343—*Continued*

Urquiza sent him 1500 men, under the Command of the Brother Madriaga, who was but recently made a prisoner by Urquiza, what the E. and F. will now do, is to be seen, they are up to their eyes in a "Pantana."

*R. M. Hamilton to Henry A. Wise*

5.

MONTEVIDEO, June 2, 1846.

MY DEAR SIR: My last letter to you bears date 9<sup>th</sup> ulto. in relation to Corrientes, Gen! Paz & c. I have now only to confirm the same & refer you to the accompanying newspapers for further information, I have letters from B. Ayres to 28<sup>th</sup> ult<sup>o</sup>, which inform me that the Convoy, some Eighty vessels, were at anchor some short distance above the Batteries of "San Lorenzo," where are mounted twenty pieces of heavy cannon, which will cause great destruction to the passing vessels, Gov! Rosas has recently sent a reinforcement of 1000 men to Gen! Moncilla [Mansilla], commanding in that quarter, we are looking for the arrival of the Convoy every hour.

On the 10<sup>th</sup> Oct! last the Gov! of M. Video issued a decree prohibiting *all* intercourse with those points, or places, which were in possession of the Enemy, and having no naval force to carry said decree into effect, applied (as M<sup>r</sup> Ouseley informed me *verbally*) to the English & French Admirals for the requisite aid, which was granted, this arrangement has never been officially made known, either to this Consulate, or the Commanders of our ships of war, moreover the British & French in their decrees of Blockade, as regards the Banda Oriental Territory, have nearly declared the *Ports* of this Republic, which are or may be in possession of the army, under rigorous blockade, they have said nothing about the shores & coasts, which form the Harbor of M. Video, officially. Some few weeks ago Cap<sup>t</sup> Henry had occasion to send one of his Boats on shore, where the Enemy had possession, & on her return, a Boat under French colors put off from Rat Island, & when near the Plymouth's boat, the former hailed & ordered the latter to proceed to the island, which of course was refused, the Officer observing that if he, the Frenchman, wanted anything, he had better go on board the Plymouth, & thus the two Boats separated, the Frenchman for the island & the other for the ship, it must be particularly noticed that there was *no officer* in the French Boat, (which was entirely out of rule). On the arrival of the Midshipman on board the Plymouth, he made his report of what had occurred, & in consequence of which, Capt<sup>a</sup> Henry sent his 1<sup>st</sup> Lieut! Darcantil, with a polite message to Adm! Lainé on board his flag ship, requesting to be informed of the cause & meaning of the interruption attempted to be practised on his Boat, on her way from the shore to his ship & c. And it appears that so soon as Lieut. D. had made the Adm! acquainted with the object of his visit, the latter flew into a *violent rage*, & said if they wanted shot they should have enough of them, (of course meaning the Americans) & after making use of other uncourteous language, he said that the shore was blockaded, M<sup>r</sup> Darcantil being surprised at the reception he met with, retired & returned to his ship without having received any further explanation in regard to the Boat affair.

Capt<sup>a</sup> Henry having made me acquainted with the circumstances, & the extraordinary & unjustifiable want of courtesy on the part of Adm! Lainé, I suggested to him as the better course, to report the past transactions, & the whole affair, to Com: Rouseau, & await his instructions on the subject. I must mention, that at the time of the Boat Affair, two of the officers of the "Plymouth" had been left on the shore occupied by Gen! Oribe, & of course it was necessary to send a Boat from the Plymouth, to conduct them on board, at *all hazards*, prior to this being carried into effect, it w<sup>d</sup> appear that Adm! Lainé had communicated with the British Adm! Inglefield, which determined the latter to immediately man, & arm, several Boats, which *passed close under the stern of the Plymouth*, & proceeded to Rat Island, evidently with the intention of preventing the Plymouth's Boats from passing to the opposite shore of this harbour; in this state of the case I called on M<sup>r</sup> Ouseley & related to him all that had passed, & informed him that two Officers of the Plymouth were on shore, on the opposite side, & that Capt<sup>a</sup> Henry *would send a boat to take them off*, & that I had called upon him with the view of preventing if practicable, any unpleasant collision between the Boats of the Plymouth & those of the naval forces of England & France, that I denied the Belligerent right to interdict the free intercourse of *neutral ships of war* with ports or places Blockaded, with the exception of those which were besieged by land & by sea, by the *same enemy*, which was not the case in the present instance; M<sup>r</sup> O. however expressed his opinion that the Belligerent had the right to interdict such intercourse, but said that he w<sup>d</sup> write to the Adm!, & that there w<sup>d</sup> be no difficulty in sending a boat from the Plymouth for the officers belonging to the ship. I have neglected to state, that two ladies, the one M<sup>r</sup>

Footnote 1, page 343—*Continued*

Lowry, the wife of John Lowry Esq<sup>r</sup> of Baltimore, a native citizen of the U. S. residing near Gen<sup>l</sup> Oribe's encampment, the other M<sup>rs</sup> Brown, the wife of Edwin Brown, now at or near Rio de Janeiro, also a citizen of the U. S., having obtained their *passports*, applied through me, to Cap<sup>tn</sup> Henry, for a passage across hence for the opposite shore, in one of the Plymouth's Boats, being the only mode of conveyance, & being granted, Cap<sup>tn</sup> H. permitted a couple of his junior officers to accompany the Ladies, & at the same time gave them permission to remain a day or two for recreation; this accounts for the said officers being left on that side of the Harbour; ultimately the Boat was sent for said officers, & they returned on board without molestation.

In justice to Cap<sup>tn</sup> Henry I feel great pleasure in saying, that he has throughout this affair exercised great prudence & forbearance, bearing in mind that he has been instructed by Com<sup>dr</sup> Rousseau not to submit to any interdiction, on the part of these blockaders, to his free intercourse as a neutral ship of war, with the adjacent shores, had he carried out his instructions & attempted to test the question he w<sup>d</sup> have placed himself in an awkward position in the event of a collision with the Blockaders, not having a sufficient force to enable him to avenge an insult offered to his flag, he has therefore most wisely in my estimation, refrained from sending his boats to those shores, since his officers returned to the ship, & in leaving the settlement of the question to higher authority. Cap<sup>tn</sup> Henry having given the Commodore a detailed account of what has occurred, by the last Packet, I need say no more on the subject as you will have seen the same in all probability.

The Plymouth arrived here in the latter part of Jan<sup>y</sup> last, since when, to within a few days, the crew have been deprived of fresh provisions by the existing vexatious interdictions. Gen<sup>l</sup> Oribe has generously offered to supply our ships with fresh provisions at all times they may call for them, but the English & French say no, we will not allow them the privilege of obtaining them—ought this to be endured? if they possess the belligerent right, we have no right to complain, if not, we are submitting to an egregious violation of our neutral rights.

No official notice having been given by the English or French in regard to the blockade of either shore of this harbour, I addressed a letter to M<sup>r</sup> Ouseley under date 29 of April, inquiring if the said blockade prohibited the free intercourse of neutral ships of war with either shore of the Harbour of M. Video? & having waited for a reply until the 19<sup>th</sup> ult<sup>o</sup>, I addressed another note to M<sup>r</sup> O. calling his attention to the former & soliciting an early acknowledgment of the receipt thereof, & an answer to my question, when on the same day, he *honored* me with a note, referring me to M<sup>r</sup> F. [H?] Hamilton, Acting Chargé d'Affairs of H. B. M., for the information I had solicited, in consequence of which I addressed M<sup>r</sup> H. under date 22<sup>d</sup> ult<sup>o</sup> enclosing to him my two notes to M<sup>r</sup> O. & his reply, & I requested from him an answer to the aforementioned quere & after waiting until the 2<sup>d</sup> inst. & not hearing from M<sup>r</sup> Hamilton, I wrote him again on that date, but up to this time I have rec<sup>d</sup> no reply, & I am quite at a loss to account for this absence of common courtesy on his part.—

*R. M. Hamilton to Henry A. Wise*

6.

MONTEVIDEO, June 9, 1846.

The Electra Steamer arrived last night from the Parana, my son Thomas passenger, with the important information of the whole convoy having passed the batteries of San Lorenzo on the 4<sup>th</sup> ins<sup>t</sup> with the exception of the British bark Caledonia, & two or three small vessels under the M. Video Flag, these vessels having grounded close to the Batteries, were set fire to, & destroyed by Capt<sup>o</sup> Hotham, a heavy fire was kept up for *three hours & a half*, & strange to say that *none* were killed or wounded on board the ships, my son informs me that the Gorgon received 8 shots in her hull; the Parana expedition has contrary to expectation turned out a lucrative business, for instance, the Barque Creole of Baltimore has on board 17000 hides costing only six & a half cents pr lb on board, which ought to leave a profit in the U. S. of at least \$20,000; the cargo she carried up, netted out cost & charges.

The whole fleet will be here in the course of three or four days, having passed all danger in the Parana, some 100 vessels.

My son informs me that affairs in Corrientes & Entre Rios were in a confused state, the reports were conflicting, some of which were, that two provinces would unite & declare themselves independent of Rosas, others were, that they w<sup>d</sup> unite with the Argentine Confed<sup>n</sup>, & make common war against the English & French *Mediators*, the latter course will most probably be pursued. "*Veremos.*"

I am [etc.].

were from the 1<sup>st</sup> of May; that Pres<sup>t</sup> Lopez had annulled or finished (den por acabado o tratado) the treaty of alliance between Paraguay & Corrientes; that the army of Paraguay had returned to the territory of the Republic; that Gen<sup>l</sup> Paz was dismissed by the Pres<sup>t</sup> Lopez from the command of the army, & intended to retire to Chili; that at the Misiones had arrived a General, a Colonel & various other officers of the Corrientino forces. The same Journal of the 17<sup>th</sup> contains the letter of Pres<sup>t</sup> Lopez to Madariaga, Gov<sup>t</sup> of Corrientes, of which the accompanying is a translation. It alludes to an order to the Paraguayan army to retire from Corrientes & return home. The well-grounded fear was that the Paraguayans would be betrayed by Madariaga into the hands of Urquiza. Last evening Gen<sup>l</sup> Guido wrote me a note saying: "Yesterday night I presented to M<sup>r</sup> Walsh the letter dated the 6<sup>th</sup> of March that I had rec<sup>d</sup> from M<sup>r</sup> Moreno" (Argentine Minister at London). "He says that the Gov<sup>t</sup> of England has disapproved the expedition to the Parana & that it is decided to settle the differences with the Argentine Gov<sup>t</sup> upon the basis which Gen<sup>l</sup> Rosas proferred to the Ministers of the Intervention through M<sup>r</sup> de Mareuil." M<sup>r</sup> Walsh says that the letter states positively the Intervention is to be withdrawn; Oribe is to be left unopposed by England & France to enter Monte Video; there is no condition for the opening of the navigation of the Rivers; & everything in a word is to be placed in statu quo. This places Great Britain & France in a very unenviable position. The Premiers plead, it is said, that they were misinformed as to the true state of things & that the Intervention has proceeded from *misapprehension & mistake!* A rare case for reclamation & indemnity. A part of the correspondence of the English up to the Parana with their friends in M. Video has been intercepted by Rosas. It shows the opinions of the British officers to be decidedly opposed to further prosecution of the quasi war. They say that the people are all for Gen<sup>l</sup> Rosas & against the Intervention, & there is no hope of cooperation from either Corrientes or Entre Rios. They say, ludicrously enough, that the French are "*au ciel*" amidst the big bull-frogs of the fresh waters of the rivers, but as for themselves they suffer severely from the mosquitoes! There must be some private war, either with small-sword or pistol between the *Johnny Bulls* (not Froggy Bulls) & Johnny Crapsau [Crapaud?] on the occasion of such "froggy" remarks. The French will eat frogs but will fight if told of it. Rosas, who is a broad humorist, delights to publish such reflections upon each other by the allied English & French. No wonder.

The finale, then, is likely to be the full triumph of Rosas. If so, he will fancy himself "the son of a star" sure enough, invincible & irresistible. His fancy would be rightful, too, for the pride of resisting successfully both G<sup>t</sup> Britain & France separately, & then both combined, is enough to inflate human vanity. But it will make him an absolute tyrant & his subjects unresisting slaves. Woe to the "Ruthless Unitarians"! He will, as sure

as he desires to do so, be down too on Brazil. M<sup>r</sup> Walsh tells me another inference from Moreno's letter is that blame & responsibility are to be thrown upon Brazil; & a specific complaint was made of allowing passports to Rivera. Her policy & course throughout is, I expect, to be blackballed for duplicity & treachery. It has, I believe, been tortuous. It did, through Abrantes, call for the Intervention, & afterwards withdrew from it to the line of neutrality. The first movement offended Rosas, the last the Intervening Powers. Brazil will do well therefore to escape being made a scape-goat in the *melée*. But the U. States will hardly be called on to prosecute M<sup>r</sup> Hopkins' mediation in behalf of Paraguay, or to recognize the independence of that Republic, except in their own time & manner. If there was no other way to escape the embarrassment, if any, M<sup>r</sup> Brent may never decide upon the terms of the parties, of which he says he is in possession, or may decide them justly, to be irreconcilable, & that the mediation having ascertained fairly that no desirable result can be peaceably arrived at, it is itself at an end. But the probability now is that, if the Intervention retires, either Paraguay will return to the Argentine Confederation, or will be recognized by Gen<sup>l</sup> Rosas on condition of her giving up the territory of the *Misiones* &c. &c. now claimed by her. In case Pres<sup>t</sup> Lopez replies to my letter in a dissatisfied tone, I will extract from your letter of March 30<sup>th</sup> to M<sup>r</sup> Hopkins<sup>1</sup> all you instructed him to say on departing from Assumption, & send it to Pres<sup>t</sup> Lopez. There is no danger now that Paraguay will fall into the hands of the Intervention. She has manifested strong jealousy of it, & the Parana expedition has undoubtedly rather strengthened Rosas by causing the alarm of foreign European invasion & conquest. G<sup>t</sup> Britain & France will retire in shame, baffled, duped & disgraced both in policy & arms. No Power, at the River, will unite with them again soon. They are looked upon no longer as either formidable foes or serviceable friends. I think that no harm has resulted to us in any way. M<sup>r</sup> Brent's course will be very far justified by the termination of affairs as now certainly expected; & it will have made us a fast friend forever in Gen<sup>l</sup> Rosas, whilst at the same time we will surely not have lost the good-will of Pres<sup>t</sup> Lopez. The "utmost prudence & circumspection" in respect to the armed intervention in the Plata has been exercised, I am sure, by our naval squadron on this station, & by this Legation as far as it has had anything whatever to do with it. I shall be most happy to Meet M<sup>r</sup> Harris, & to be made acquainted with his instructions for my own enlightenment, & to interchange with him intelligence at all times. I have at once made the assurance to the Brazilian Minister for Foreign Affairs in relation to the answer of the President to the note of M<sup>r</sup> Lisboa communicating the request of Brazil upon the subject of the independence of Paraguay, which I was instructed to make in the despatch of the 4<sup>th</sup> of April. I enclose S<sup>r</sup> Limpo de Abreu's publication of correspond-

<sup>1</sup> See footnote 1, page 342.

ence between him & Guido. The latter declares it is not full, and has supplied a number of omissions.

Affairs here stand still as usual. The two Chambers have been in session since the Emperor's return, but are agitated by no new or interesting thought or measure. The ministry was changed immediately on the Emperor's return, but why?—the causes proclaimed did not explain or account for. Having been confined to my bed & house for a month, I have had little intercourse with the new Minister for F. Affairs Barão de Cayrú. On the 30<sup>th</sup> May last the principal of the claim of the Jno. S. Bryan was paid & has been remitted to the claimants, as you will see by the receipt of Jno. Gardner, agent for C. Coleman & C<sup>o</sup>, a copy of which is herewith inclosed. I shall still insist upon the interest from the Emperor's decree.

On the 14<sup>th</sup> inst. I addressed the Minister a formal note repeating all my former demands of an adjustment & settlement of all the other claims of citizens of the U. S., a copy of which I inclose.

Henry Devine, acting Consul at Rio Grande, having departed this life on the 20<sup>th</sup> of May last, & M<sup>r</sup> M'Guire, the appointee of the Pres<sup>t</sup>, not yet having arrived, & the effects & business of the Consulate requiring some one to take charge immediately, I sent a commission to Tho<sup>s</sup> H. Merry Esq<sup>t</sup>, a citizen of the U. S. strongly recommended by a certificate of all the American residents, to act until M<sup>r</sup> M'Guire shall arrive, or during the pleasure of the Pres<sup>t</sup> if he never arrives.

I have rec<sup>d</sup> the letter of the 5<sup>th</sup> Auditor, dated the 13<sup>th</sup> of February 1846, & inclosed is a reply to it. I lately sent a full & corrected statement of my acct<sup>t</sup> from the beginning to the 1<sup>st</sup> of April last, which I trust may receive your attention & appropriation. Now, M<sup>r</sup> Walsh sends, with vouchers, a full acc<sup>t</sup> of the Contingencies. I beg again that my drafts in favor of M<sup>r</sup> Sergeant for cost of bills may be honored.

I inclose the Relatorio of the Foreign Office of Brazil; the latest papers from B. Ayres; a work for the National Institute; & a letter & some books for M<sup>r</sup> Hopkins.

I have the honor [etc.].

Postscript

June 26<sup>th</sup> 1846.

...

The day before yesterday I rec<sup>d</sup> the latest news from the River Plate. Inclosed are extracts from M<sup>r</sup> Consul Hamilton's letters up to the 9<sup>th</sup> inst.,<sup>1</sup> & the latest B. Ayrean papers. The neutral rights of our men of war have been invaded, I think, by the armed Intervention, & in a way on the part of the French Admiral, the most grossly rude & indecorous. But this is out of my "bailiwick," & I am glad of being out of the way of the temptation to fight. We are, thank God, at perfect peace here. M<sup>r</sup> Harris has not yet

<sup>1</sup> See footnote I, pages 343-347.

arrived, though the vessel in which he shipped departed from Baltimore nearly a week before the brig *Selina* which arrived here a week ago. This, however, need cause no uneasiness, as the case frequently occurs from the fact of the one vessel making, very erroneously, *much more "easting"* than the other. The quick passages of the regular traders from the U. States to Brazil are made by running at first more S. Easterly, & then crossing the Equator more Westwardly than usual. The old navigators, & the inexperienced are too afraid of Cape S<sup>t</sup> Roque.

I have the honor [etc.].

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*Henry A. Wise, United States Minister to Brazil, to Barão de Cayrú, Minister of Foreign Affairs of Brazil*<sup>1</sup>

A

RIO DE JANEIRO, July 1, 1846.

The Undersigned, Envoy &c. of the U. States proceeds to comply with the request of Y<sup>r</sup> Exc<sup>cy</sup>. to address you in writing on the subjects embraced in the very satisfactory & agreeable interview which he had the honor to hold with Y<sup>r</sup> Exc<sup>cy</sup>, at his house, on the 29<sup>th</sup> ult<sup>o</sup>.

The most prominent topic then touched upon, & the most important affair at the present time between the U States & Brazil, is the perpetuity of the treaty of the 12<sup>th</sup> Dec<sup>r</sup> 1828, in certain of its parts, created by the 1<sup>st</sup> Point of its 33<sup>d</sup> article. It was thereby agreed that on the expiration of one year after the notice to terminate the treaty should be received by either from the other party, "the treaty in all the parts relating to commerce & navigation, shall altogether cease & determine, & in all those parts which relate to peace & friendship, it shall be permanently & perpetually binding on both powers." Under this clear clause, all the parts of the Treaty, in the opinion of the Undersigned, referred themselves, necessarily, to the four heads respectively of commerce, navigation, peace & friendship. The parts not belonging to commerce or navigation belonged, of course, as intended by the treaty, to peace or friendship. All the parts, therefore, not relating to commerce & navigation, were made "permanently & perpetually binding on both powers."

This stipulation in the treaty with the U. States is not vague & general, as that, for example, of the 1<sup>st</sup> art. of the late treaty between Great Britain & Brazil, which declares only that there shall be constant & perpetual friendship between the contracting powers. It is not contingent, nor made to exist & expire, and to revive or not, according to what was or what might be

<sup>1</sup> Despatches, Brazil, vol. 15, enclosed with Wise to the Secretary of State, No. 47, below, this part, doc. 597. The title—Barão de Cayrú—was that of Bento da Silva Lisboa.

The previous correspondence, cited in the fourth paragraph of this note, has not been copied since the documents do not properly come within the scope of the present publication. Their character and their bearing on the subject-matter of this note are sufficiently clear without their texts.

at anytime thereafter granted to the subjects of the most favored nation, as may be contended for under the last clause of the 5<sup>th</sup> art. of the same treaty of Brazil with G<sup>t</sup> Britain. It is not derivative from any treaty with any other power, as Portugal, for example, may claim under the treaty with Brazil by virtue of the continuance of the treaty of the latter with France. It stands upon no implication whatever, but, on the contrary, is express, substantive, absolute, particular & definite. It expresses as between Brazil & the U. States not only that peace & friendship shall be constant & perpetual; but that in all the parts of that treaty which relate to peace & friendship, *it*—the treaty—“shall be permanently & perpetually binding on both powers.” It is absolute in the employment of the most imperative term—“*it shall* be permanently & perpetually binding &c.” It is particular in naming what parts of the treaty “shall altogether cease & determine,” and in what parts the treaty “shall be permanently & perpetually binding.” And it is definite in plainly distinguishing & naming not only the parts which shall cease & the parts which shall be perpetual, but in distinctly declaring that “*it*,” the treaty, “in all those parts which relate to peace & friendship, shall be permanently & perpetually binding on both powers.” It perpetuates peace & friendship in the *quo modo* of the parts of the treaty which it makes permanently & perpetually binding.

Accordingly, with these views, when Y<sup>r</sup> Exc<sup>s</sup> predecessor, M<sup>r</sup> E. F. França, then Min: & Secy. of F. Affairs, addressed to the Undersigned the circular N<sup>o</sup> 2, dated 31<sup>st</sup> Jan<sup>y</sup> 1845, on the questions arising on the subject of allowing the Consuls of other Powers residing in Brazil to administer upon the effects of decedents who were citizens of their respective states, the Undersigned replied to His Exc<sup>y</sup> by note dated the 1<sup>st</sup> of February 1845, saying that he presumed no such questions could arise between Brazil & the U. States, as they were already settled by the 11<sup>th</sup> art. of the Treaty of the 12<sup>th</sup> of Dec<sup>r</sup> 1828, made perpetually and permanently binding on both powers. And the Undersigned informed His Exc<sup>y</sup> that, consequently, the Minister & Consul of the U. States had not united in the memorials to the Imp<sup>l</sup> Gov<sup>t</sup> on the subject, proposed by the Agents & Consuls of other powers, because they could not ask as a boon what they had already perpetually secured by treaty. The Undersigned refers to this Circular & his answer, to which he rec<sup>d</sup> no reply. But shortly afterwards, on the 10<sup>th</sup> of March 1845, an American citizen, M<sup>r</sup> Tho<sup>s</sup> Gardner, residing in Rio de Janeiro, departed this life, and immediately the Consul of the U. States addressed a note to the Undersigned informing him of the fact, and saying that he had proceeded to seal the effects & papers of the deceased with the seal of his office, & to take charge of the same, & requesting the Undersigned to inform His Exc<sup>y</sup> the Min: & Sec<sup>y</sup> of F. A., in order that the proper steps might be taken to prevent any interruption of the Consul's proposed administration upon the estate of the American citizen who died intestate. The Undersigned immediately



addressed His Exc<sup>y</sup> a note dated March 10<sup>th</sup>, 1845, inclosing the note of the U. S. Consul, & claiming for him the right by virtue of the 11<sup>th</sup> art. of the treaty to take charge of the effects of M<sup>r</sup> Gardner deceased, and to administer on the same. No special reply was made to this communication, but the Consul was permitted, without hindrance or contest, to administer in the case. This occurring at the very time when a case of a similar nature, the case of Astley, was disputed between the authorities of G<sup>t</sup> Britain & of Brazil, the Undersigned inferred the point to be settled, practically, at least, as between the U. States & Brazil, by the case of Gardner, where the right of the Consul was admitted after formal & official notice.

Since then, however, various circulars have been issued, and various opinions have been expressed, officially & otherwise, which lead the Undersigned to doubt whether the Imp<sup>l</sup> Gov<sup>t</sup> does not understand & construe the Treaty of 12<sup>th</sup> Dec<sup>r</sup> 1828, between the U. States & Brazil, as having wholly ceased & determined in all its parts, & to profess that it has no treaty stipulations existing except with France. And as serious questions involving difficulty & dispute, besides the questions of Consular administration on decedents' estates, such as those, for example, involving the personal protection of citizens of the U. States & the power to discriminate by taxation between them and Brazilian subjects in respect to their occupations, are arising & likely to arise, the Undersigned begs that Y<sup>r</sup> Exc<sup>y</sup> will cause all doubts to be settled & all possible disputes to be prevented, by a decision upon the effect of the 33<sup>d</sup> article of the Treaty of the 12<sup>th</sup> of Dec<sup>r</sup> 1828, to which the Undersigned most earnestly begs that the attention of the Imp<sup>l</sup> Gov<sup>t</sup> may be called. He submits that the treaty, in all those parts relating to peace & friendship is perpetual, & that those parts embrace all except what relates to commerce & navigation. Does the Imp<sup>l</sup> Gov<sup>t</sup> accede to & acquiesce in this construction? If so, what parts of the treaty does it consider perpetually & permanently binding? If not—upon what grounds & to what extent does it dissent? The Undersigned would be most happy to receive as early a reply as convenient to Y<sup>r</sup> Exc<sup>y</sup> for the information of his gov<sup>t</sup>.

He will in a short time furnish Y<sup>r</sup> Exc<sup>y</sup>, according to Y<sup>r</sup> Exc<sup>y</sup>'s wish, with a brief enumeration of all the reclamations of the U. States upon the Gov<sup>t</sup> of Brazil, properly classified & referring to the dates & despatches of the respective discussions of them. In reply to Y<sup>r</sup> Exc<sup>y</sup>'s note saying that the Imp<sup>l</sup> Gov<sup>t</sup> had delayed satisfaction of these claims only to take time for the most mature deliberation, the Undersigned cannot forbear saying that the most of them date back from ten to twenty years; that they have been urged incessantly & been discussed most elaborately; that they are small in amount, involve settled principles & admitted facts only, and might have been deliberately disposed of since the Undersigned has had the honor of residing at this Court.

The Undersigned takes pleasure in renewing [etc.].

*Henry A. Wise, United States Minister to Brazil, to James Buchanan, Secretary of State of the United States*<sup>1</sup>

[EXTRACTS]

No. 47

RIO DE JANEIRO, August 8, 1846.

SIR: . . . I have rec<sup>d</sup> the despatches of the Dep<sup>t</sup> to N<sup>o</sup> 24<sup>2</sup> inclusive. As soon as I read the instructions respecting the war with Mexico, I addressed the Min: for F. Affairs the note marked "H" & rec<sup>d</sup> in reply the note marked "I."<sup>3</sup> And I gave due notice of the Proclamation by the President & of the blockade of all the ports of Mexico, to all our Consuls in this Empire, in a note of which the inclosed marked "K"<sup>4</sup> is a copy. The effect of the war was immediate on our trade here. Our merchants at home withdrew their credits upon London, money for Coffee became scarce, & shippers were afraid to risk cargoes not only in our vessels but in foreign. They argued that all Mexican privateers would necessarily be pirates, or rather that pirates would make a pretext of the war to use the Mexican flag, & there would be no privateers proper under it, & that the pirates would attack foreign vessels as well as our own. . . .

The last important news from the River Plate is contained in the inclosed extracts from a letter of M<sup>r</sup> Consul Hamilton at M. Video.<sup>5</sup> We know

<sup>1</sup> Despatches, Brazil, vol. 15.

<sup>2</sup> See above, pt. III, doc. 463.

<sup>3</sup> These notes, said to have been enclosed, marked H and I, are not with the file copy of this despatch.

<sup>4</sup> Not included in this publication.

<sup>5</sup> These extracts from the letter of Consul Hamilton follow, in full, as they were sent with Wise's despatch:

*R. M. Hamilton to Henry A. Wise*

[EXTRACTS]

MONTEVIDEO, July 12, 1846.

MY DEAR SIR: . . . The 45<sup>th</sup> regiment embarked on board the Apollo on the 3<sup>rd</sup> ins<sup>t</sup>, and sailed on the 5<sup>th</sup> for her original destination the Cape of Good Hope, and it is understood that the 73<sup>rd</sup> embarks in a few days. On the 3<sup>rd</sup> ins<sup>t</sup> the British war steamer *Devastation* arrived at B. Ayres, direct from England 47 days passage, with Thomas Sam<sup>l</sup> Hood Esq<sup>r</sup> on board, as Minister or Special Agent to that Gov<sup>t</sup>. M<sup>r</sup> H. was formerly Consul Gen<sup>l</sup> at this place, where he sojourned some twenty years, and it is known to me that he has for many years been the bosom friend of Gen<sup>l</sup> Oribe, and ever opposed to *Rivera*. The arrival of this vessel and functionary at B. Ayres, without passing even in sight of M. Video, has struck the Ministers and Admirals here with consternation; they know not what to make of it, but find themselves in a "quandary". I have no doubt but the letter from D<sup>r</sup> Moreno to Gen<sup>l</sup> Guido will be found to contain correct information. The British Gov<sup>t</sup> have sent M<sup>r</sup> Hood out as a matter of policy, under the supposition that, as the political friend of Rosas & Oribe, he will possess great influence and succeed in the adjustment of existing difficulties. Ousely & Deffaudis will be "thrown overboard", for the present, by the respective Gov<sup>ts</sup>, and will be rewarded hereafter for their evil deeds:"—they have not rec<sup>d</sup> a line as to the Mission of M<sup>r</sup> Hood, although boats were despatched from B. Ayres to the B. Admiral, to announce the arrival of the Steamer. . . .

We regret exceedingly that the Plymouth is to leave us in a few days. This ship, her Commander, officers and crew are ornaments to our Navy. She has been visited by all the foreign officers on this station, and there is but one voice among them: that as a perfect man of war, she cannot be excelled. May she safely return &c all our best wishes will accompany her. After the departure of the Plymouth and Bainbridge we shall be

nothing certain as to the precise object or result of M<sup>r</sup> Hood's mission at present. . . .

I have the honor [etc.].

597

*Henry A. Wise, United States Minister to Brazil, to James Buchanan, Secretary of State of the United States*<sup>1</sup>

[EXTRACTS]

No. 48

RIO DE JANEIRO, *September 12, 1846.*

SIR: I am confined by a severe, but I hope a short attack of illness, and can sit up long enough only to write you a note by a ship which sails to-morrow. Our Consul at M. Video, under date of August 21<sup>st</sup> writes to me:

(Private) In my last, of the 10<sup>th</sup> inst., I informed you that M<sup>r</sup> Hood was negotiating with Gen<sup>l</sup> Oribe, at his head-quarters; I have now to say, that M<sup>r</sup> Hood returned on the 14<sup>th</sup> inst. having been equally successful with Oribe as with Gen<sup>l</sup> Rosas, the whole of the proposals of the British and French Government being acceded to. On the 15<sup>th</sup> M<sup>r</sup> H. came on shore, and conferred with M<sup>r</sup> Ouseley and the Baron Deffaudis, and handed over to them all the documents pertaining to the negotiation; in doing which his mission ended, and the Ministers are now to perform their part, in the establishment of a general peace under new instructions from their respective governments, handed to them by M<sup>r</sup> H. when he placed in their hands the aforementioned documents. The Gov<sup>t</sup> of M. Video will, as a matter of course, conform to the arrangement. We therefore anticipate an early termination to the difficulties &c &c I transmit herewith a translation from the Como del Plata of this day, of the proposals & basis of negotiation,<sup>2</sup> which have been accepted by Rosas & Oribe. . . .<sup>3</sup>

left for some time, probably, without protection. My impression is that so soon as the British troops are withdrawn, past scenes will be renewed in this unfortunate city, and, if so, much bloodshed will ensue. . .

<sup>1</sup> Despatches, Brazil, vol. 15.

<sup>2</sup> The following is Consul Hamilton's translation of the proposals:

*Proposals and basis of Negotiation, offered to Gov. Rosas, by the Governments of England and France*

[TRANSLATION]

MONTEVIDEO, *August 21, 1846.*

1<sup>st</sup>. The Governments of France & England, by common consent with Govr. Rosas will procure a suspension of hostilities, between the Oriental forces of the City of Montevideo, and the country.

2<sup>nd</sup>. Obtaining this armistice the two Plenipotentiaries will request of the Govt. the disarmament of all Foreigners who are armed as well in Montevideo, as in every other point of the territory.

3<sup>rd</sup>. Simultaneously with the disarmament of the Foreigners, Govr. Rosas will withdraw all the Argentine forces from all and every point of the territory.

4<sup>th</sup>. Immediately after the execution of the two previous articles, that is to say, the disarming of the Foreigners and evacuation of the territory, the Blockade of the Argentine ports will be raised, the island of Martin Garcia to be delivered to the Argentine Govt. and also all the vessels of war which were captured, all in the same state in which they were found, as far as may be practicable, saluting the Argentine flag with 21 guns, the merchant vessels captured by both parties, shall be reciprocally returned to the owners.

5<sup>th</sup>. The navigation of the Parana River, will continue to be considered interior navigation, subject only to the regulations and laws of the Argentine Republic, so long as it occupies the two margins of that River.

<sup>3</sup> This omission and, also, the one a few lines below, are in Wise's quotation from Consul Hamilton's letter.

4. P. M. M<sup>r</sup> Ouseley has just called upon me, and I took occasion to hand him the enclosed translation for perusal, and after reading it, he observed that he found it correct, and that he was at a loss to know how Vaula, the publisher, got hold of it. M<sup>r</sup> Ouseley had promised to furnish me with a copy of the proposals, for which I had asked him, but having seen the publication of this morning, he told me it was unnecessary. . . .

Aug: 24<sup>th</sup> I have reason to believe that stumbling blocks will be placed in the way of the negotiation, by the Gov<sup>t</sup> as well as by Ouseley & Deffaudis. The Letitia will sail for Rio in two days, you shall hear from me on the subject.

Since the receipt of the foregoing the Letitia has arrived here from M. Video, but I rec'd no letter from M<sup>r</sup> Hamilton. According to the report of that vessel his apprehensions seem to have been realized in respect to stumbling blocks in the way of the negotiation. The Ministers, Ouseley & Deffaudis, chagrined at Hood's success, are insisting on certain acts to be done by Rosas & Oribe in advance of any action as stipulated to be performed on their parts. This, rumor says, is a sine qua non to which neither Rosas nor Oribe will submit.

I am able at present to give you these facts only. In the course of the next fifteen days I will transmit a full despatch.

With the highest respect & regard [etc.].

· 598

*Henry A. Wise, United States Minister to Brazil, to James Buchanan, Secretary of State of the United States*<sup>1</sup>

[EXTRACT]

No. 50

RIO DE JANEIRO, *September 29, 1846.*

SIR: Since I transmitted the sensible proposals of Mr. Hood to settle the affairs of the River Plate, that gentleman has arrived at this city, bringing

6<sup>th</sup> It is acknowledged and understood that the Argentine Republic possess free and unequivocal all the rights in Peace and War, which correspond to any other State, and although the circumstances which obliged the two intervening powers temporarily to interrupt the belligerent rights of that Republic, it is admitted that the principle on which they acted, would be equally applicable to England and France under similar circumstances.

7<sup>th</sup> An Election shall take place in the Oriental State to fill the Presidency of the Republic, with entire subjection to the Constitutional Laws of the Country, without compulsion of any class or from either party, General Oribe obliging himself to be governed by the result of such election.

8<sup>th</sup> A general armistice, reciprocal and complete, for persons and property, acknowledgement of the rights of all Foreigners, doing justice to their founded reclamations. This Armistice is not to be an obstacle, if any Argentine Emigrants residing in the Oriental Republic, give Govr. Rosas just cause of complaint, or compromise by their conduct the good relations of these Republics, they shall be removed from the territory, and sent to such foreign port as they may designate.

9<sup>th</sup> These bases admitted by Govr. Rosas and Genl. Oribe, if refused by the Government of the Republic, the Plenipotentiaries of the two powers will declare the withdrawal of the intervention of their Governments, and it will be withdrawn effectively if these arrangements are not admitted.

<sup>1</sup> Despatches, Brazil, vol. 15.

the news that his mission had wholly failed. Ouseley & Deffaudis had declined to confirm his acts & he was returning home. He brought the report that Deffaudis was also on his way to Europe, *to tell his story first*.—The negotiations at the River have been weak & undignified, and place England & France in the wrong.

Very respectfully [etc.].

## 599

*Henry A. Wise, United States Minister to Brazil, to James Buchanan, Secretary of State of the United States*<sup>1</sup>

[EXTRACT]

No. 52

RIO DE JANEIRO, *October 31, 1846.*

SIR: M<sup>r</sup> Baguet, the interpreter employed by M<sup>r</sup> Hopkins, has returned to this city from Assumption, and he requests me to inclose<sup>2</sup> to M<sup>r</sup> Hopkins the within letters & vouchers of his accounts. He describes Pres<sup>t</sup> Lopez as having been extremely displeased with the course of M<sup>r</sup> Hopkins. He brought no answer from the former to my letter respecting the mediation of M<sup>r</sup> Brent between the Argentine Republic & Paraguay.

We have no news from the River Plate [Plata] later than October 9<sup>th</sup>, & there is none of importance. Upon the failure of Hood's mission hostilities had recommenced. . . .

The Saratoga, Cap<sup>n</sup> I. Shubrick, has arrived from an unsuccessful attempt to double Cape Horn, & sails the day after tomorrow for the U. States. The Independence was here when she arrived, & sailed the day before yesterday for the Pacific.

I have the honor [etc.].

## 600

*Henry A. Wise, United States Minister to Brazil, to Barão de Cayrú, Minister of Foreign Affairs of Brazil*<sup>3</sup>

RIO DE JANEIRO, *November 2, 1846.*

The Undersigned, Envoy &c. &c. regrets exceedingly the occasion which compels him to inclose to Y<sup>r</sup> Exc<sup>y</sup> the accompanying papers<sup>4</sup> which he rec<sup>d</sup> late last ev<sup>g</sup>. from Com. L. Rousseau, commanding the U S squadron on this

<sup>1</sup> Despatches, Brazil, vol. 16.

The serial number of this despatch, on the file copy, appears to be, clearly, 53; but it immediately follows No. 51, and precedes another No. 53 of November 16, 1846, below, this part. Hence it appears obvious that it should be 52.

<sup>2</sup> The enclosures are not within the scope of the present publication.

<sup>3</sup> Despatches, Brazil, vol. 16, enclosed with Wise to the Secretary of State, No. 53, below, this part, doc. 606.

<sup>4</sup> Not included in this publication. Their nature is sufficiently explained in this and following documents, especially Wise to the Secretary of State, No. 53, of November 16, 1846, this part, doc. 606.

station. They disclose a gross outrage upon certain of the officers & seamen of the U. S., highly offensive & insufferable, perpetrated by the soldiers & subordinate officers of the guard at the city palace, about 5 o'clock P.M. on Saturday the 31<sup>st</sup> ult<sup>o</sup>. The case is so glaring that the Undersigned is sure it requires only to be stated to be amply and promptly redressed by the Imp<sup>l</sup> Gov<sup>t</sup>.

The U. S. Corvette, Saratoga, Cap<sup>tn</sup> I. Shubrick, lately arrived at this port in distress, was preparing under orders to sail for the U. S. on this the 2<sup>d</sup> inst. The boats were ashore as usual, on Saturday ev<sup>g</sup>. procuring the necessary supplies. L<sup>t</sup> A. B. Davis, an officer exemplary for his good conduct, had just landed at the store of Mess<sup>rs</sup> J. H. Brewer & Co. near the wharf, when he was informed of a disturbance at the next door between two American sailors who were at the time on duty, being ashore not on leave but under command of their officers belonging to the boat. L<sup>t</sup> Davis, in the discharge of his duty, was ordering one of the men to the boat, intending afterwards to take off the others who had misbehaved, to be properly punished on shipboard: when a file of soldiers seized the man whilst obeying the orders of his officer, & made him a prisoner. L<sup>t</sup> Davis thinking that the guard had come to *his* relief, assured the soldiers that he required no assistance. He expostulated with the soldiers, & endeavored to get them to allow the prisoner to obey his command to go to the boat. This caused the prisoner to hold back from going along with the soldiers, when they commenced beating the man in the most cruel manner, wounding him until he bled freely & his blood stained his own officer. At this moment L<sup>t</sup> Davis was unarmed. He returned to the house of Brewer & C<sup>o</sup> where he had unbelted & left his sword. In the meantime the soldiers had dragged off the American seaman towards the palace. L<sup>t</sup> Davis followed to look after him, to see the officer of the guard, & to know where the man was to be confined if he could not procure his release on explanation. Approaching the palace, a file of soldiers drew bayonets upon him. He drew his sword in self-defence, but immediately sheathed it on the retreat of the assailants. He walked to the steps of the palace where he was met by the officer of the guard & *invited to enter*. Taking this to be a tender of politeness from an officer who wished to repair the brutality of his soldiers, L<sup>t</sup> Davis, unsuspecting treachery, stepped in, & was immediately attacked, disarmed & made a prisoner. Several others of his sailors were wantonly arrested, beaten & imprisoned. One aged warrant officer, who was a silent, unoffending spectator, was brutally beaten by one of the brave officers of the guard. This brief statement of the facts is fully proved by the official reports of L<sup>t</sup> A. B. Davis himself from the "Quartel [Cuartel] Gen<sup>l</sup> de los Permanentes," and of Chaplain Lambert & L<sup>t</sup> Stark of the Columbia frigate, & of Cap<sup>tn</sup> I. Shubrick to Com. Rousseau; and further, by the depositions of Sam<sup>l</sup> Macoduck, W<sup>m</sup> M'Lennan, Benj<sup>n</sup> Wattlington & John Holliday, taken under oath before Gorham Parks Esq<sup>r</sup>, U S Consul at this court.

The Undersigned cannot permit himself to doubt for a moment that the Imp<sup>l</sup> Gov<sup>t</sup> will utterly disclaim & disavow this outrage in all its parts; that it will order the immediate release of L<sup>t</sup> Davis & the American sailors seized & imprisoned with him; & that it will cause the soldiers of the guard who took the sailors from L<sup>t</sup> Davis' command, & especially the officer at the time in command of the National Guard, to be condignly punished for the illegality, wanton cruelty, cowardice & treachery of their conduct.

The Saratoga is ready to sail at any moment, and the release of her officer & men is expected to-day.

The Undersigned renews [etc.].

## 601

*Barão de Cayrú, Minister of Foreign Affairs of Brazil, to Henry A. Wise, United States Minister to Brazil*<sup>1</sup>

[TRANSLATION]

RIO DE JANEIRO, November 2, 1846.

The Undersigned, one of the Council of His Majesty the Emperor, Minister and Secretary of State for Foreign Affairs, acknowledges the receipt of the note which Mr. Henry A. Wise, Envoy Extraordinary and Minister Plenipotentiary of the United States addressed to him dated today,<sup>2</sup> relative to the imprisonment of Lieutenant Alonzo B. Davis by the military force charged with preserving the public peace and safety in this Capital.

The Undersigned having acquainted His Majesty the Emperor with the note adverted to and with the copies which accompanied it, is directed to inform Mr. Wise, that his statement with respect to the arrest of Lieutenant Davis, does not conform in any particular to the official reports of the civil and military authorities or of the various guards who aided in quelling the scandalous tumult fomented by that officer; still, in view of the reasons set forth by Commodore Rousseau, the Imperial Government wishes to give that of the United States another proof of special consideration, by ordering the said Lieutenant Davis to be delivered to that Commodore, being certain that such punishment will be inflicted upon him as the investigation in progress will give cause for, which at a proper time will be sent to the said Government. As to the release of the seamen also requested by Mr. Wise, the Imperial Government not considering it to be of an importance equal to that of Lieutenant Davis for the return of the Sloop of War Saratoga to the United States, they ought to be kept in prison for further examination.

The Undersigned, whilst communicating to Mr. Wise in advance this decision of the Imperial Government based upon the motives referred to, reserves for a circumstantial answer hereafter the context of his note; but he

<sup>1</sup> Despatches, Brazil, vol. 16, enclosed with Wise to the Secretary of State, No. 53, below, this part, doc. 606.

<sup>2</sup> Above, this part, doc. 600.

now declares unqualifiedly, that he deems irrelevant all arguments tending to assume that proceedings pursuant to the laws of the country are an insult, or that individuals of any class should consider themselves as having a right to disobey and trample upon the proper authorities.

The Undersigned accordingly reiterates [etc.].

## 602

*Henry A. Wise, United States Minister to Brazil, to Barão de Cayrú, Minister of Foreign Affairs of Brazil*<sup>1</sup>

RIO DE JANEIRO, November 2, 1846.

The Undersigned, Envoy &c &c. acknowledges the receipt of Y<sup>r</sup> Exc<sup>y</sup>'s note of today,<sup>2</sup> at 3 o'clock P.M., in answer to his of this mg.

He regrets to say that he feels bound, most respectfully to decline accepting the release of L<sup>t</sup> Davis on the terms & conditions proposed by H. M. Gov<sup>t</sup>. And he renews the demands of his note of this mg.<sup>3</sup> for the immediate release of said L<sup>t</sup> Davis & the seamen belonging to the U. S. Squadron who were imprisoned with him.

The Undersigned renews [etc.].

## 603

*Barão de Cayrú, Minister of Foreign Affairs of Brazil, to Henry A. Wise United States Minister to Brazil*<sup>4</sup>

[TRANSLATION]

RIO DE JANEIRO, November 3, 1846.

The Undersigned, one of the Council of His Majesty the Emperor, Minister and Secretary of State for Foreign Affairs, acknowledges the receipt of the note which Mr. Henry A. Wise, Envoy Extraordinary and Minister Plenipotentiary of the United States addressed to him under yesterday's date,<sup>5</sup> declaring that he declines to accept the discharge of Lieutenant Davis upon the terms and conditions set forth in the note to which he replies, and insisting upon his *immediate* release and that of the imprisoned seamen belonging to the United States squadron.

The Undersigned will begin his answer to the aforesaid note by fulfilling the painful duty of stating, that when the Imperial Government, bearing in mind the reasons alledged by Commodore Rousseau in the representation which accompanied Mr. Wise's note, resolved to order Lieutenant Davis to

<sup>1</sup> Despatches, Brazil, vol. 16, enclosed with Wise to the Secretary of State, No. 53, below, this part, doc. 606.    <sup>2</sup> Above, this part, doc. 601.    <sup>3</sup> Above, this part, doc. 600.

<sup>4</sup> Despatches, Brazil, vol. 16, enclosed with Wise to the Secretary of State, No. 53, below, this part, doc. 606.    <sup>5</sup> Above, this part, doc. 602.



be delivered up, it was very far from expecting that this proof of distinguished consideration for the United States on the part of the Government of His Majesty the Emperor, would not be accepted by Mr. Wise; but although it has pleased him so to receive its decision, it has no doubt that it will be better appreciated by the Government of the Union.

For Mr. Wise to decline to accept the delivery in the terms in which it was made and to insist upon the immediate release of Lieutenant Davis and of the seamen who were arrested, it would be necessary to show that that officer did not commit in open day the publick and scandalous outrage, as he himself confessed, of attacking the patrol of Police for the purpose of rescuing from it the seamen whom it had arrested for fighting with knives—that he did not follow the said patrol with a drawn sword in the midst of a mob to the Guard Room in the Imperial Palace, and that he was not there arrested in an offensive attitude.

All the statements presented by Mr. Wise, in whatever degree they may lighten the weight of some of the circumstances of the case, do not deny that Lieutenant Davis attempted to rescue by force from the hands of officers of justice seamen taken by them in the very act, and that in pursuit, he entered the Guard Room with a drawn sword and by spurning the sentinels. An event so extraordinary, which caused such an excitement in the City that it was necessary to detach from other points an armed force for the purpose of restraining the popular commotion, Mr. Wise must have been apprized of by Mr. Gorham Parks, the Consul of the U. States, who introduced himself into the guard room for the purpose of making irregular protest instead of acting as an interpreter by informing his fellow citizen that he had infringed those laws of the country which it was his duty to respect.

The Imperial Government is bound to give credence to the official reports of the various civil and military authorities who have stated the facts, but not to those of the persons who took part in the riot or who received their information from them; still, directions have been given for a copy of the depositions which accompanied M<sup>r</sup> Wise's note to be sent to the Authority charged with the duty of framing a summary statement of the case, in order that the same may receive the consideration which they deserve.

As to the sailors, the Imperial Government has ordered that they be proceeded against as justice requires in such cases.

The Undersigned accordingly [etc.].

*Henry A. Wise, United States Minister to Brazil, to Barão de Cayrú, Minister of Foreign Affairs of Brazil*<sup>1</sup>

RIO DE JANEIRO, November 4, 1846.

The Undersigned, Envoy &c. &c., has waited nearly two days for a reply to his note addressed to Y<sup>r</sup> Exc<sup>y</sup>. at 3 o'clock P.M. of the 2<sup>d</sup> inst.<sup>2</sup> He despatched it by Y<sup>r</sup> Exc<sup>y</sup>'s messenger, in order that it might be rec<sup>d</sup> in time, as he presumes it was, to distinctly mark the point that if L<sup>t</sup> Davis was to be released it should be done *unconditionally* & without the least implication of dishonor upon him, or of obligation upon his Commodore, or of favor to the U States. His conduct was & is entirely approved by his Commodore, by his Commander & by the Undersigned. Y<sup>r</sup> Exc<sup>y</sup>'s messenger took the note, renewing the previous demands of the Undersigned, at 3 o'clock P.M. on the 2<sup>d</sup>. Since then, the Undersigned has been informed, but not officially & formally, that L<sup>t</sup> Davis was released about the hour of 5 o'clock P.M., on the same day, after being arraigned by a Subdelegado of police before whom he refused to answer, on the ground that his case was in the hands of the superior authorities of his own country. He is now on board the U. S. ship *Saratoga*. His Commodore will not subject him to any trial, much less punishment; and, although he will return to the U. States in the ship to which he is attached, he will *not*, it must be understood, be sent home to his own Gov<sup>t</sup> with any view of invoking its censure upon conduct which is explicitly deemed meritorious. *He* is unconditionally released, but still there are *three U. S. Seamen* held in the same wrongful imprisonment. As to them, too, the Undersigned must remind Y<sup>r</sup> Exc<sup>y</sup>. that the Gov<sup>t</sup> of the U. S. has "no respect to persons" in regard to the *personal liberty* of its citizens. They are all entitled alike to its protection. The *Officer* is released:—these three *Seamen*, outrageously seized, beaten, wounded & imprisoned, are still held in prison. Against but one of them is there the least ground for detention. National Comity & the rightful discipline of a man of war require that the only culprit, even, shall be given up to the justice of his ship, & that ship is about to sail. The Undersigned, therefore, respectfully inquires whether the Imp<sup>t</sup> Gov<sup>t</sup> will release these *seamen* or not?

He will wait twenty four hours for its decision, before he submits, in case they are not to be delivered up or there is no reply to this note in that time, the only alternative left to Com. Rousseau, who will not be advised to suspend his action until he hears from his own Gov<sup>t</sup>.

The Undersigned has the honor [etc.].

<sup>1</sup> Despatches, Brazil, vol. 16, enclosed with Wise to the Secretary of State, No. 53, below, this part, doc. 606.

<sup>2</sup> Above, this part, doc. 602.

605

*Barão de Cayrú, Minister of Foreign Affairs of Brazil, to Henry A. Wise,  
United States Minister to Brazil*<sup>1</sup>

[TRANSLATION]

RIO DE JANEIRO, *November 4, 1846.*

The Undersigned, one of the Council of His Majesty the Emperor, Minister and Secretary of State for Foreign Affairs, having received the note which Mr. Henry A. Wise, Envoy Extraordinary and Minister Plenipotentiary of the United States addressed to him with this date,<sup>2</sup> relative to Lieutenant Davis and the seamen of the Squadron of those States anchored in this port, has to inform Mr. Wise in reply that he has nothing to add to that which he said in his note of yesterday upon this unpleasant subject.

The Undersigned [etc.].

606

*Henry A. Wise, United States Minister to Brazil, to James Buchanan, Secretary  
of State of the United States*<sup>3</sup>

[EXTRACTS]

No. 53

RIO DE JANEIRO, *November 16, 1846.*

SIR: The accompanying papers are copies of my correspondence with the Minister for Foreign Affairs,<sup>4</sup> & with Commodore Rousseau, respecting a great outrage perpetrated on the 31<sup>st</sup> ult. by the armed police of this city upon L<sup>t</sup> A. B. Davis & several seamen belonging to the Corvette Saratoga. I regret to say that it has been sanctioned, & all its responsibilities have been fully assumed by the Imperial Government itself. . . .

At about 10 o'clock A.M. on the 2<sup>d</sup>, I, accompanied, by M<sup>r</sup> Walsh, took my note N<sup>o</sup> 1 to Baron de Cayrú,<sup>5</sup> and had with him what I deemed a most satisfactory personal interview. He avowed every disposition to do what was proper, but said that the reports of police were opposed directly to the statements submitted by Com: Rousseau. It was evident, I saw, that the Police had been quick to forestall the judgment of their superiors in anticipation of a serious complaint which they could not but know must be made against their conduct. I assured the Minister that if any officer or seaman

<sup>1</sup> Despatches, Brazil, vol. 16, enclosed with Wise to the Secretary of State, No. 53, below, this part, doc. 606.      <sup>2</sup> Above, this part, doc. 604.      <sup>3</sup> Despatches, Brazil, vol. 16.

<sup>4</sup> For the more important papers constituting his correspondence with the Minister of Foreign Affairs, see the preceding six documents bearing the dates November 2, 3, and 4, above, this part.

<sup>5</sup> Apparently the first of his two notes of November 2, 1846, above, this part, doc. 600. The number by which he refers to it, here, is not on the file copy.

could be shown to have offended against the local laws, Com: Rousseau would cause him to be properly punished. But he would have to rely on the reports of his own officers & the depositions of respectable witnesses, until they were rebutted by competent & weightier evidence; & I could not conceive what reports could have been made by the police except those of the soldiers of the patrol & the inferior officer of the patrol guard. None other of the police had seen the transaction, & these were the persons accused of the outrage. They would of course make such reports as would exculpate themselves. The Minister promised to do what he could to procure the release, saying that the U. States were too kind in their tariff & in every way for H. M. Gov<sup>t</sup> not to treat them & their authorities with the highest consideration. This was all I could ask, & I left to see M<sup>r</sup> Davis in his quarters of imprisonment. I found him perfectly comfortable, in good airy rooms, and, with the aid of his friends, well accomodated. He informed me that he was already notified to appear in the course of the day before a Subdelegado of police (corresponding to our Justice of Peace) to answer to criminal proceedings against him, & he was determined not to be released except upon honorable terms. I told him to go, of course, wherever he was taken, whilst under imprisonment, but not to answer to any charges whatever before the subordinate officers, as his case was in the hands of his own Minister & of the Minister for Foreign Affairs. He would be discharged from custody in the course of the day, and he must take his sword when redelivered to him, & not question the honorableness of his release. It should be unconditional & such as not to impugn his conduct. He was perfectly cool & collected, & seemed to regard only the moral of the affair, about which he was laudably sensitive. His character, as vouched by Cap<sup>tn</sup> Shubrick & all his brother officers, is very high, & his manly bearing & high sense of honor & of right made me the more anxious to procure for him an amende which would be soothing as well as satisfactory. What, then, was my astonishment when, at 3 P.M. of the same day, I received N<sup>o</sup> 3—Baron de Cayrú to M<sup>r</sup> Wise,<sup>1</sup>—denouncing the conduct of L<sup>t</sup> Davis as scandalous & tumultuous, & notifying his release upon conditions at once humiliating & dishonorable. This was so opposed to the tenor of my interview in the morning with the Minister; was so surreptitious in the attempt to hurry upon me the release on terms dishonorable; & was so offensively in contempt of the statement & evidence submitted by Com: Rousseau, without offering any countervailing statement or evidence whatever, that, in order to prevent all foregone conclusions as to the terms of the release, & to resent the manner of its tender, I immediately, by the same messenger who brought N<sup>o</sup> 3 to me, & in the same hour despatched my note—N<sup>o</sup> 4—to Baron [Barão] de Cayrú,<sup>2</sup> declining the release of L<sup>t</sup> Davis on the terms

<sup>1</sup> The one dated, November 2, 1846, above, this part, doc. 601.

<sup>2</sup> Evidently, his second note of November 2, 1846, above, this part, doc. 602, though the file number is not on the file copy.

proposed, & renewing the demand for the immediate release of him & his seamen. . . . <sup>1</sup>

The Minister had invidiously attempted first to separate me from my own Gov<sup>t</sup>, & in the next place to distinguish between me & our naval marine. This caused me to be so explicit & decided in tone in respect both to what I deemed my responsibilities to my own, & my dues from this gov<sup>t</sup>. In all that I have said as to either I have nothing to retract or to modify.

The worst feature of the whole affair is, that not even up to this moment has a scrip of evidence or proof been transmitted to me in contradiction of the evidence or furnished by Com: Rousseau. And the police or *Justica* [Justicia], as it is called, actually published a trial & sentence against L<sup>t</sup> Davis on the 7<sup>th</sup> inst., as rendered on the 5<sup>th</sup> inst., notwithstanding he was released, as described, on the 2<sup>d</sup>, and sailed for the U. States on the 6<sup>th</sup> inst.<sup>2</sup> . . .

. . . Yesterday, the 15<sup>th</sup>, the baptism of the Imperial princess was celebrated. In anticipation of the event, the Admiral of the Brazilian navy very unusually, on Wednesday the 11<sup>th</sup>, waited on the Com<sup>dre</sup> & requested that he would join in the celebration. The custom is to make this request on the day previous to any grand occasion. The Com<sup>dre</sup> replied very courteously that he regretted the necessity which compelled him to decline the exchange of salutes until the Imp<sup>l</sup> Gov<sup>t</sup> made the proper "amende honorable" to his command. His command had been grossly insulted & the Imp<sup>l</sup> Gov<sup>t</sup> had sanctioned the wrong. He could not hoist a flag or fire a gun whilst his officers were not only arrested & imprisoned on shore for properly exercising their command, but whilst they were discredited & dishonored as witnesses by H. M. Gov<sup>t</sup>. He wanted first only a disclaimer of insult to him & his country & its flag. As long as he felt that himself & his officers & his country were outraged & insulted, he could consent to no exchange of civilities until he heard from his own Gov<sup>t</sup>. He had called on the Minister of Marine, S<sup>r</sup> Cavalcanti, to express his feelings & at the same time to disclaim all disrespect to him personally or to his department. The Admiral requested him to call on the Minister of Marine again. He did so on Saturday the 14<sup>th</sup> & the Minister, as before, was not in. I also called on the Min. for F. Affairs, Friday the 13<sup>th</sup>, but he also was not in. Accordingly, yesterday, when the flags were hoisted & the salutes were firing, the Columbia was undecorated & her guns were silent. Last night, while the illumination was shining, my

<sup>1</sup> This omitted portion lists and comments very briefly on numerous other enclosures, among them, the remaining three of the six communications referred to in note 4, p. 363, above. Regarding the note dated, November 3, 1846, to Wise from Barão de Cayrú, above, this part, doc. 603, he says, "Now I really do not believe that this note was ever written on the 3<sup>d</sup>, but so I must take it. I recd No. 7" [Cayrú's note to him, the next day, also above, this part, doc. 605.] "and then No. 8." [Doc. 603, dated November 3], "both received by the same messenger at the same instant." After telling of several more acrimonious notes exchanged with the Foreign Minister, the omitted portion concludes, "Here the correspondence became so ludicrous and puerile that I deemed it absolutely necessary to stop it in order to preserve my own dignity."

<sup>2</sup> This omission reviews briefly, but indignantly, the newspaper announcement of the court sentence against Lieutenant Davis.

house was dark; & I did not attend court. To-day, M<sup>r</sup> Gatewood, the Com:<sup>r</sup>'s Secy., tells me that the report is the Emperor *had not heard one word about the affair of L<sup>t</sup> Davis until yesterday!!!*

This is all very unpleasant & seems very ungracious. But really this people are yet uncivilized & ought to be taught a lesson, & Com: Rousseau & myself have both acted, concurrently, on the principle of offending them as little as possible, but at the same time of making them respect our rights, & particularly of protecting the personal liberty of our citizens. One of my colleagues of the corps diplomatique (in confidence M<sup>r</sup> Lomonosoff, the Russian Minister, who has on all occasions disinterestedly manifested the greatest regard towards the U. States) who happened to be informed of the whole occurrence, interposed his kind offices with the Minister for F. Affairs. He could succeed in prevailing on him to do nothing proper. The Baron de Cayrú, who is personally very friendly with me, would gladly, I have no doubt, have done all I asked; but he was constrained in the exercise of his office. There is no Premier in the Gov<sup>t</sup>, & everything great & small has to be submitted to the Ministers & Councillors of State. The *Palace*—that sacred temple of Imperialism—was involved in the affray. It was horrible that it, which was made a barracks for soldiers & a prison house for drunken sailors, should have been desecrated! Again, one of the Editors of a paper here, a S<sup>r</sup> Barbosa, pretended to know all about the scene, & he convinced the Court that Ministers would lose a great deal of popularity if they dared to make any disclaimer or concession whatever to the U. S. Minister or Commodore. This man could easily have been proved to know nothing, or not half as much as he pretended to know. These petty influences prevented all pretence of satisfaction for either insult or outrage, & we have been compelled to assume our present attitude. The truth is, I repeat, this People need a lesson, and, if need be, a severe one, to make them respect the rights & personal liberty of foreigners residing in the country. They have been spoiled completely by forbearance heretofore, & particularly by that of the British Gov<sup>t</sup>. Not long ago a Cap<sup>t</sup> Willis of the Royal Navy, was seized in Santos & beaten in a manner to maim him for life, merely because he was the Commander of a cruiser against slavers. He was dining with H. B. M. Consul who warned him on departing for his boat not to go alone & unarmed; but he would go thus in the night time, & he met the vengeance of the "infamous traffic" in a cruel way. Demand was made by M<sup>r</sup> Hamilton upon the Imp<sup>l</sup> Gov<sup>t</sup>, and although the perpetrators are well known, no satisfaction nor redress has yet been obtained. Whilst Admiral Seymour was here, in the Collingwood 74, two of his officers were knocked down, beaten & imprisoned, & satisfaction demanded in vain. Our own citizens have shared a like fate since I have been here. My own son has been beaten in the streets. They behaved well in that instance, however; but since that case, M<sup>r</sup> Frothingham, a highly respectable gentleman, just

arrived as agent of the Ice Company of Boston, unknown & unknowing the customs of the place, was walking the streets and innocently passed on one side instead of another of a sentinel & was knocked down brutally by the butt of a musket in the hands of one of these armed police. M<sup>r</sup> Southworth, one of our citizens, was imprisoned & fined severely, without judge or jury, because one of his employés struck a drunken negro who was abusing him in the most insufferable manner. Concerning the latter case I have sent my correspondence to Washington. And now when this case of L<sup>t</sup> Davis occurred, I thought it time to take decisive steps. If he had not been promptly released I should have thrown on Com: Rousseau the responsibility of *making reprisals*. I had thoroughly resolved upon this, & I deem it my duty to name it to you & the Pres<sup>t</sup> in order that you may see how dangerous a Minister I am at this court, if you are not prepared to sanction an effective resistance to such outrages. But the truth is that there is no danger whatever, in point of policy, in making Brazil fear to do us wrong. She is most dependent on us & our good will. She risks more than we do by any collision, & she understands & appreciates that fact more cunningly than we do. By this I am far from meaning that we should take advantage of our position farther than to compel her to do what is right. That, so far as depends upon me, she *shall* do, as long as I am Minister at this court. I feel bound to avow these sentiments in order that the Pres<sup>t</sup> may instruct me to the contrary, if I am wrong. But I am so confident that I am right in the course I have taken, that I am sure of his approbation. All that is desired by me is that, after fairly reflecting on the facts I have stated, & upon our true position & vantage-ground towards Brazil, he will authorize & instruct me to demand an audience of H. M. the Emperor, & say to him that he approves of all that has been done by the Minister, Commodore & Consul of the U. States; & that he cannot view L<sup>t</sup> Davis' conduct in any other than a favorable light, & is not pleased that a just reparation was not made in his case. He will surely not understand me by this as intimating advice even to him, but as asking to be sustained only in a manner which at least will not put the authorities of the U. States, all at this Court, in the wrong. At the same time I desire him to understand that all of those authorities, notwithstanding what has happened, are on the best *personal* footing with this government.

I am just answering in full a long Communication from the Min: for F. Affairs respecting our claims. This affair of L<sup>t</sup> Davis will, I am sure, help them. Already I have rec<sup>d</sup> several strong evidences of the Min: of F. Affairs awakening to a sense of justice towards us. He has in the last two or three days decided more than one matter in our favor for which I have been waiting for months. You must, in a word, *make* this people respect us. They are ignorant, insolent, & touched by a false sense of dignity; but they are selfish enough to know what concerns them, & will not lightly trifle with a Power which can injure them as deeply as the U States can, if com-

pelled to resent their insults & outrages. Not for my own sake, nor for the Consul's, nor the Commodore's, but for the honor of our country & the protection due to our citizens here, I beg the Pres<sup>t</sup> not to allow any representations of this Gov<sup>t</sup> in this case to separate me, as Minister, from my own Gov<sup>t</sup> at home. That is their calculation now. And if they succeed in so doing, no Minister in future will dare to seek redress from them in a firm tone. A word of approbation from the Pres<sup>t</sup> about this affair will render, actually, essential service to our country in all its relations.

I have the honor [etc.].

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*Henry A. Wise, United States Minister to Brazil, to James Buchanan, Secretary of State of the United States*<sup>1</sup>

[EXTRACT]

No. 54

RIO DE JANEIRO, *December 9, 1846.*

SIR: Since my last despatch<sup>2</sup> no other communications have passed between the Imperial Gov<sup>t</sup> & this Legation respecting the case of L<sup>t</sup> Davis. The Minister for Foreign Affairs has sent me but one Circular since on any other subject, & that was of no importance. They have never to this moment furnished me with a particle of the evidence on which they relied for the justification of the outrage & insult of which I was compelled to complain to this & to give information to my own Gov<sup>t</sup>. The refusal of Com: Rousseau to salute on the occasion of the baptism of the Imperial Princess, on the 15<sup>th</sup> ult<sup>o</sup>, gave rise to much excitement. They prompted their public press to exaggerate, pervert & misrepresent all the facts of the case, in the grossest manner, & the press has set the populace in a flame against both the Commodore & the Minister of the U. States. They made the liege subjects believe that it was a marked insult offered by *Republicanism* to the *Imperial* family, Emperor & Empress, & especially to the "little baby of Legitimacy." This could not be helped, for the Commodore could not distinguish between the Imp<sup>t</sup> Gov<sup>t</sup> & its Imp<sup>t</sup> Head, especially when its decision was made known in the name & by the authority of His Majesty. I was glad that this turn was given to the affair, for if the Republican functionaries here were compelled to have an issue, they would prefer to contest it with the Emperor himself than with anybody else, but not with the "paling infant" or its Mamma. The truth was we had to deal with the Gov<sup>t</sup> itself alone. The fire of indignation consequent upon the events of the 15<sup>th</sup> had just ceased to "snap & crack," when the celebration of H. M.'s birth-day, on the 2<sup>d</sup> inst., made another occasion for salutes. The Commodore had been detained in

<sup>1</sup> Despatches, Brazil, vol. 16.

<sup>2</sup> The one of November 16, 1846, above, this part, doc. 606.



this port from sailing on a long intended departure for the River Plate, to see the Transports of Col. Stevenson's reg<sup>t</sup> & the Preble off, and was prevented from getting off himself by bad weather, & thus was compelled to remain in this harbour, & again to decline uniting in the ceremonies of another grand festa. This second failure to fire a gun or hoist a flag again sent up the sparks & the flame of excitement, & the press has denounced him roundly as waiting here on purpose to offer an insult to His Majesty. The Commodore sailed on the m<sup>g</sup>. of the 3<sup>d</sup>, & was obliged to go out, when he did, by steam, and a steamboat had, I believe, failed utterly to take him out for two days before, owing to the very thick & stormy weather & adverse winds. And this harbour is very difficult of egress except with fair wind & tide.

I am, of course, left alone under the brunt of the ban of Their Majesties. I don't regard it a misfortune. They did not send me a Circular to attend Court the 2<sup>d</sup> inst., but my own birthday was on the 3<sup>d</sup> inst., & I did not condescend to honor either His Majesty or Her Majesty, or either of their "Menino pequeno" or "Menina pequena" Imperialisms, with a summons to the august celebration of my Republican birth. This was a fair "tit for tat," & I am satisfied if they are. But they boast most loudly of my recall & of the Com<sup>r</sup>'s reprimand by the President & Cabinet at Washington. I apprehend only that they will send on to their Minister there almost perverted statement of the whole affair. They dare not show to me *here* the evidence on which they have relied, for they know, as in the case of Southworth, that it would not bear scrutiny, & that it would be either disproved or shown to proceed from their own subordinates who were the very persons accused of the outrage. I know that in this country all they have to do is to intimate a desire to have a strong case made out, & their Minister of Justice, through the Chief of Police, can have any relation of facts stated & by as many witnesses as they want. And their calculation is that this being sent to M<sup>r</sup> Lisboa, cannot be controverted at Washington. They have been furnished with our evidence & will, of course, make theirs stronger. But I have full confidence that our own Gov<sup>t</sup> will not permit the clear, conclusive & highly respectable evidence which I have transmitted, to be outweighed by the factitious proofs of this degraded & corrupt people, who are ignorant of the first rudiments of either administrative or judicial justice. One of the most respectable citizens of Brazil told me, yesterday, that the Chief of Police is a man who notoriously touched his palm with the bribe of two contos of reis (about \$10,000.00 cts.) for fabricating a will for a deceased person of wealth. He, of course, will readily obey Court orders to fabricate proofs to justify his Imperial Master, or the Gov<sup>t</sup> which he daily robs.

They will, probably, instruct M<sup>r</sup> Lisboa to represent that I am obnoxious to this Gov<sup>t</sup>, & thus gently hint my recall. I am so, doubtless, for my strenuous opposition to the prostitution of the flag of the U. States to the nefarious uses of the slave-trade has rendered me naturally unpopular in this

country. Americans were favorites when I came here, because their vessels & flag afforded transportation & protection to the vile trade in human live stock from Africa. And it is not to be disguised nor palliated that this *Court* as well as this whole country is deeply inculpated in that trade. There are only three ways of making a fortune in Brazil—either by the slave trade, or by shaving, or by a coffee commission business. The foreign merchants alone engage in the latter, & to be a Brazilian “man of consequence” all have to partake, more or less, directly or indirectly, in the two former. And *all who are of consequence* do partake in them both. Here you must be rich to profit by usury, & to be rich you must engage in the slave trade. The slave-traders, then, are either the men in power, or are those who lend to the men in power & hold them by the purse-strings. Thus, the Gov<sup>t</sup> itself is in fact a slave trading Gov<sup>t</sup> against its own laws & treaties. And the protection of our flag is constantly sought, & I am obliged in shame to say, is constantly bought & sold here to carry on the slave trade. Vessel after vessel from the northern ports of the U. States is still chartered or sold for the uses & purpose of that traffic, and thousands of victims are still imported from Africa to Brazil. One of the devices has been to build fast sailing vessels in the U. S. & to send them out here to be sold to a nominal American citizen who will get a certificate of transfer & sail under what is called a sea-letter. This sea-letter he would use until he had made all the money he could by chartering his vessel for “the Coast,” & then he would sell his vessel itself at any enormous price to the trade, & there would never be a return home of the vessel to submit her to the navigation laws of the U. S. which were thus constantly violated with impunity. This I lately broke up by an opinion to M<sup>r</sup> Parks, the Consul, that when a register is transferred of a U. S. merchant vessel in a foreign port, a sea letter or certificate should be given by the Consulate only to go home & get a new register under our laws. This has lately broken up several voyages & charters to Africa, & has brought down upon my head additional odium. I am, therefore, very obnoxious to this Court whose very Councillors & Ministers of State, & to this Country, whose most wealthy and influential citizens are all hindered & obstructed by me in their slave-trade profits. But the question, after all, is—can any other Minister who will conscientiously do his duty in this respect, be any less obnoxious? He must either wink at the slave trade by U. S. vessels or be obnoxious to Brazil. Which will our Gov<sup>t</sup> require & expect him to do or to be? That is the issue. And, at last, what have *we* to fear from the obnoxiousness of our Minister? They are obliged to depend more upon us than we are upon them. They *must* look to us for their bread, & we hold them still more fast & confined in a coffee-bag, the string of which we may loosen or tighten at pleasure. I have heretofore too fully explained how we may pull that string at pleasure & to our advantage, to enlarge now on the point. We may raise revenue, protect our domestic manufactures & retaliate upon these people for any

wrongs, by a *specific tax per pound* on *all* coffee, without the least loss or danger to ourselves, & all that they know & appreciate much better than we do. And I am glad to say that my brethren of the Diplomatic Corps, almost universally, have manifested & expressed their sympathy with me in this affair. None of them who have real business to do here are in any better condition at court than I am. They have all been made to feel keenly & with disgust, that the policy of this Gov<sup>t</sup> is one of the most contracted prejudice against *all foreigners*.

I trust, then, that the President will allow me to express the approval of my course & that of Com: Rousseau in this case. That he will instruct me to represent the insecurity of person & of property felt by our citizens visiting or resident in this country. That he will order the strongest representations to be made against the encouragement of the sale & charter of U. S. vessels in Brazil, or the use of the U. S. flag by Brazilian subjects for the protection of the African slave trade. And that he will cause it to be signified that the redress of like outrages & insults to those perpetrated on L<sup>t</sup> Davis will in future be left to the sound discretion of naval commanders, without waiting to hear from Washington; and in every such case the Pres<sup>t</sup> himself will in future demand reparation.

You may rely on it, Sir, that this decisive course would have a beneficial effect & could in no event do harm. Nothing but the energetic course of M<sup>r</sup> Raguet ever procured our late treaty with Brazil, & the payment of our claims from this Gov<sup>t</sup>. I know that M<sup>r</sup> Tudor reaped the credit. But he was here nearly two years before he could do anything towards the accomplishment of the ends of his mission, & never would have done anything but through the impression left by the decisive action of his predecessor. I in like manner, am well content to prepare the way for results to be achieved & realized by some successor. But I am not willing to be recalled for doing what sound policy as well as a sense of duty obviously requires.

I have lately rec<sup>d</sup> from M<sup>r</sup> Graham, the Consul of the U. S. at Buenos Aires, the inclosed letter & accompanying doct<sup>s</sup> marked "A," addressed to me by him from Assumption, Paraguay. I inclose my reply to him marked "B." <sup>1</sup>

<sup>1</sup> Consul Graham's letter to Mr. Wise, and the latter's reply, follow:

*Joseph Graham to Henry A. Wise*

ASUNCIÓN, September 16, 1846.

DEAR SIR: I presume M<sup>r</sup> Brent, our late Chargé d'Affaires near the Arg<sup>t</sup> Confederation has informed you that his son, George Lee Brent, & myself, undertook to bear to Pres<sup>t</sup> Lopez the offer of the mediation of the U. S. between Paraguay & B. Aires as made by him. We left B. Aires the 9<sup>th</sup> June, & after a long & tedious passage by land to Parana, & thence by water we reached Pilar in Paraguay the 7<sup>th</sup> ult.—Before reaching Pilar we wrote to Pres<sup>t</sup> Lopez, from one of "guardias" on the river Paraguay, a note of which I send you a Copy marked "A." On our arrival there we were kindly rec<sup>d</sup> by the Commandante, but given to understand we could not proceed further without permission from his "Excellency."

Footnote 1, page 371—*Continued*

On the 9<sup>th</sup> we rec<sup>d</sup> a note from Sec<sup>y</sup>. Gill, a copy of which ("B") I also enclose; to this we replied next day, of which I send Copy "C." We were more explicit than we would have been, even from the nature of the Secy's note, in consequence of remarks from other Sources; on the 20<sup>th</sup> we rec<sup>d</sup> from Pres<sup>t</sup> Lopez a long letter of which I send you Copy "D." This was so much like a positive refusal, that if it had been from a Gov<sup>t</sup> which had had more intercourse with the world we would have returned immediately to B. Aires. We felt, however, that Pres<sup>t</sup> Lopez was acting under the excitement of unfounded prejudices both against M<sup>r</sup> Brent & our Gov<sup>t</sup>, & we felt great interest in the Success of our mission, & besides had a desire to see something of the Country after so long a journey; we therefore wrote him again the next day in a somewhat different tone as you will see by the copy E. This brought us the permission to come here contained in copy F.—but only for ourselves & D<sup>r</sup> Kenedy [Kennedy?]. We received it the 27<sup>th</sup> & next day started on horses which together with a cart for our baggage were furnished by the Pres<sup>t</sup>.

On the 1<sup>st</sup> we reached here & found a comfortable house provided for our accommodation by the Gov<sup>t</sup>. We immediately wrote a note to Sec<sup>y</sup>. Gill, asking for an interview with the Pres<sup>t</sup>. He soon called to say the Pres<sup>t</sup> would see us that ev<sup>g</sup>. or the next m<sup>o</sup>. as might suit our convenience. We fixed on the next day, & accordingly called on His Exc<sup>y</sup>. at 10 o'clock. He received us coldly, & after we had briefly stated the object of our visit & delivered him M<sup>r</sup> Brent's communications, he asked us to be seated, & immediately entered upon a full & heated explanation of all his wrongs from Rosas, in which he was not sparing of strong epithets against him, & he also spoke of the humiliating conduct, as he called it, of our Gov<sup>t</sup>, in making the explanations reported to have been made by Sec<sup>y</sup>. Buchanan to Minister Alvear at Wash<sup>g</sup> in relation to Paraguay, & also of the insult offered to our Gov<sup>t</sup> by the manner in which your conduct & that of M<sup>r</sup> Hopkins had been spoken of in the Gazette of B. Aires. I made several efforts to reply, but he was in such a state of excitement that he constantly interrupted me, & I concluded it was best to listen patiently till he talked himself into a better humour, which he did in about an hour.

I asked him if he imagined our Gov<sup>t</sup> was influenced by any thing like fear of B. Aires? He replied in the negative. I then told him our Gov<sup>t</sup> was entirely opposed to the English & French intervention in the affairs of La Plata, & was especially desirous to pursue such a course as neither to induce the allied invaders to hope, or the Gov<sup>t</sup> of Buenos Aires to fear, that she would give the slightest aid or countenance to that intervention; that for these reasons the explanations had been given to Minister Alvear. I told him too that you were one of the very last men who would permit any indignity to be offered, with impunity, to yourself either in your private or official character, & that the honor of our Country was perfectly safe so far as it was in your keeping. I told him we were not here as the champions of Gov<sup>t</sup> Rosas, but as the friends of both parties, & that I had never heard Gov<sup>t</sup> Rosas speak of him in any other than respectful terms.

He told us if he accepted the mediation he would not send Commissioners to B. Aires—that he had tried that twice & been insulted—he would send Commissioners to Rio to act under your mediation; but that whatever was done must be on the basis of the Independence of Paraguay, & that it would be an insult for any person to talk to him of other terms. I told him the independence was the chief question at issue, & therefore ought to be left open. He complained bitterly that in our notes we had addressed him as "President of Paraguay," & not of the *Republic* of Paraguay. He said he would not have considered that we committed ourselves in any way, & that you in a letter had given him his proper title. It was an act of inadvertence on our part, & we but followed the address used by M<sup>r</sup> Brent; however, in a subsequent note we rectified the error.

After an interview of two hours we parted on apparently better terms than we met. He promised to read M<sup>r</sup> Brent's dispatches & give us as early an answer as possible.

I have neglected to say that he complained much of M<sup>r</sup> Hopkins being sent here & making promises on behalf of our Gov<sup>t</sup> which were not complied with. I could only say that I presumed M<sup>r</sup> H. had exceeded his authority & instructions, & that he had been sent merely to see the country & report its condition.

On the 5<sup>th</sup> we received & replied to a note from the Pres<sup>t</sup>, the copies of which, G & H explain themselves.

On the 9<sup>th</sup> the Pres<sup>t</sup> sent for us & after some general conversation, told us he had determined to accept the mediation of our Gov<sup>t</sup> with the conditions he had before stated, of the independence of Paraguay being the basis, & sending commissioners to Rio. We told him we would convey to M<sup>r</sup> Harris his reply, whatever it might be, but

Footnote 1, page 371—*Continued*

that we doubted whether anything could result from an acceptance with such conditions.

He shewed us propositions from M<sup>r</sup> Edwards, our late Consul at B. Aires, & also from M<sup>r</sup> Hopkins, for the exclusive navigation of the Paraguay with steam; the latter saying he was connected with a company in Lowell, who had a capital of 300,000\$ to invest in this business; to both of which he told us he had given a negative answer. These were shewn without any expressed object. He also shewed us a letter from yourself to him & one from M<sup>r</sup> Arana to M<sup>r</sup> Guido, to establish some points of which we had not been informed.

He promised to have a reply for M<sup>r</sup> Harris in a few days.

I have given you this detail, because it is probable Pres<sup>t</sup> Lopez will insist on accepting the mediation of the U. S. at Rio, under your direction, & because, I understand, he will soon send an agent there, doubtless with the object, in part, of seeing you, & this probably before M<sup>r</sup> Harris could write you after our report to him. The Agent spoken of is Don Andres Gelly, one of the most intelligent & accomplished men I have seen here. He was for a long time in Montevideo & filled one of the important offices there, & only returned about 2 years since. I think he has considerable influence with the Pres<sup>t</sup>, *who is the Gov<sup>t</sup>*. But the man of more influence than any & all others is the Brazilian Minister. This I had heard & am now convinced of. In the first interview we had with him, his conversation convinced us, not only that he had seen all our letters, but also, by the similarity of his expressions, that he had assisted in the replies. This influence is natural—the great hobby—the great desideratum, of the Pres<sup>t</sup> & people, is their *independence*. Brazil has recognized this, & has a shrewd & intelligent Minister who lives in considerable style, gives many tertulias, & treats the Pres<sup>t</sup> with as much seeming deference as he would his Emperor. It is easy to imagine the effect of all this upon a people so long shut out from intercourse with the world, & who had their notions of independence implanted by Francia.

The history of the Arg<sup>t</sup> Confdn. shews that Brazil has either been jealous or afraid of her from the time of her earliest struggles for independence. It cannot be doubted that Brazil was the Chief instigator of the English & French intervention; & I believe that her object & policy *now*, is to prevent any reconciliation or friendly intercourse between Paraguay & B. Aires, & this not only to waken B. A. & keep her occupied in quarrels with Paraguay, but also to promote what she conceives her commercial interests. The productions of Paraguay are the same as those of parts of Brazil, the great & almost only market for these, especially the important article of yerba, in the provinces of the Arg<sup>t</sup> Confdn., & if Paraguay is shut out from this, Brazil has it to herself; and besides, if Paraguay cannot get such supplies of foreign goods as she needs, by the river, she will be compelled to get them from Brazil. I see plainly that the Minister here spares no pains to excite & keep alive the prejudice & hatred of the Pres<sup>t</sup> against Gov<sup>t</sup> Rosas; & if he really desired the difficulties between them should be adjusted, this could not be. I cannot believe that the sympathy of Brazil is so great, or her desire to see the abstract rights of Paraguay established, such as to induce her to incur the expense of keeping a Minister here, under existing circumstances, unless she had some sinister object. I intimated to Pres<sup>t</sup> Lopez that it was the interest of Brazil to have the Parana closed to Paraguay, but he had been prepared for this, & replied by saying that Brazil had provinces on the tributaries of the Paraguay, for which she had no other outlet. I learn that these provinces are uninhabited, & are considered valuable chiefly for their productions of gold & diamonds, & such articles can be transported by land.

Whatever may be the rights of Paraguay, I do not believe that Brazil is influenced by them in her policy. The Minister tried to enlist me by proposing the scheme of opening the *Parana only* to the flags of America. I of course listened to him, but on another occasion I told the Pres<sup>t</sup> our gov<sup>t</sup> had no wish for exclusive privileges.

Señor Gelly has an exclusive grant to navigate the Paraguay with steam for ten years, & therefore may desire to see the Parana open.

You will see that we have written & said at least as much as the nature of our Commission would justify, but I hope we have not exceeded it, & that we have done something towards reestablishing the good feelings of Paraguay towards our Gov<sup>t</sup>—

I think Sir, that you occupy a position that would enable you to do much in bringing about a good understanding between Paraguay & B. Aires. Pres<sup>t</sup> Lopez holds you in high estimation, & I believe that Gov<sup>t</sup> Rosas is disposed to adjust the difficulties on just & honorable terms. We expect to leave here next week. M<sup>r</sup>. Brent desires me to present his respects. Please write to me at B. Aires.

Very resp<sup>y</sup>.

I transmit also the inclosed copy of a letter & accompanying doct<sup>r</sup> from His Exc<sup>t</sup> Antonio Carlos Lopez, Pres<sup>t</sup> of Paraguay, marked "C." And my reply to the same marked "D."<sup>1</sup>

Footnote 1, page 371—*Continued*

*Henry A. Wise to Joseph Graham*

RIO DE JANEIRO, December 1, 1846.

DEAR SIR: I am happy to acknowledge the receipt of yours dated at Assumption the 16<sup>th</sup> Sept<sup>r</sup> last. I have read it & the accompanying copies of correspondence with much interest. About the same time I rec<sup>d</sup> a despatch, inclosing copies in full of all papers touching the mediation proposed by M<sup>r</sup> Brent, from Pres<sup>t</sup> Lopez. These all were rec<sup>d</sup> by me about the time of the arrival here of Sr. Gelly, who has taken tea once with me & given me a very satisfactory interview. He, it seems, brought neither your letter nor the despatches to me from his Gov<sup>t</sup>; Your note introducing him to me is dated the 21<sup>st</sup> of Sept<sup>r</sup>, & the letter of Pres<sup>t</sup> Lopez is dated the 15<sup>th</sup> of Sept<sup>r</sup>. He must have left Assumption after the despatches.

M<sup>r</sup> Brent did not communicate with me respecting the message by yourself & his son to Paraguay. It was unnecessary to do so, & I had heard only of your visit up the river & that you would not be permitted to proceed. Your trip must have been a very interesting one, & I cannot see how your agency could, as conducted, have been otherwise than beneficial towards a good understanding between the Gov<sup>t</sup> of Paraguay & our own. But, until instructed by the Pres<sup>t</sup> of the U. S. to take a part in the affairs of the River Plate, which is not likely, I must henceforth abstain from expressing even an opinion. M<sup>r</sup> Harris is now at B. Aires, & with instructions, doubtless, to meet all probable contingencies. What they are I am not informed. Certain it is that I have no instructions to meddle with any questions apart from the proper business of the U. States with the Imp<sup>l</sup> Gov<sup>t</sup> of Brazil. And, though Pres<sup>t</sup> Lopez's confidence in me is very flattering, it is strange that he should have selected me as his umpire on the points of mediation, & I shall assuredly not assume the office unless ordered to do so, by my own Gov<sup>t</sup>. And, from the character of certain semi-official publications which I see in the papers of B. Aires, I should judge that Gov<sup>t</sup> Rosas would not be likely to accede to my nomination either as mediator or umpire. Why, I cannot conceive, but he seems to suspect me as being not only an enemy but as subject to some sinister influence of Brazil. Neither suspicion is true. I have endeavored to promote the success of his cause against the armed intervention, & to aid the cause of peace & independence in S. America. And as to the policy of this court, whether sincere or sinister, it is too impotent to affect me, or to prevail for good or ill in any cause.

I have replied to Pres<sup>t</sup> Lopez saying that I would transmit his letter & accompanying papers to the Pres<sup>t</sup> of the U. S. That is all that I can do with your communication; except to thank you for its kindness & respect to me.

We have been a long time without dates from home. The California regiment under the Command of Col. J. D. Stevenson, sailed hence yesterday. Gen<sup>l</sup> Taylor was cautiously advancing towards Monterey. You have, doubtless, recd. all the other important news. I have [etc.].

<sup>1</sup> The letter from President López, of Paraguay, to Wise, and the latter's reply, follow:

*President López of Paraguay to Henry A. Wise*

ASUNCIÓN, September 15, 1846.

The Undersigned—President of the Republic, had the honor to receive Your Excellency's note dated April 20 last [Above, this part, doc. 593, note 5, p. 338.—Ed.], and having taken note of its important contents, judges that he can give no more explicit reply than by offering Your Excellency the enclosed copies of the correspondence had with the Agents of the United States and American legation at Buenos Ayres [Vol. 1, pt. II, *passim*, especially note 3, p. 401, and note 1, p. 404.—Ed.] respecting the friendly mediation which he accepted and to which he attaches great hopes.

And now it only remains for the undersigned to acknowledge graciously the interest which Your Excellency manifests for this Republic, which hopes for the continuation of his efforts, new and precious bonds of friendship between the two countries.

The undersigned President assures Your Excellency anew of his distinguished consideration and high esteem.

God preserve Your Excellency many years.

Since the receipt of the above I have been visited in person by S<sup>r</sup> Gelly, the Chargé d'Affaires of Paraguay at the court of this Gov<sup>t</sup>. He is an intelligent gentleman, & I endeavored to explain to him the views & intentions of the Gov<sup>t</sup> of the U. S., as I understand them from your communications both to myself & to M<sup>r</sup> Hopkins. My explanations are embraced in my letter to the Pres<sup>t</sup> of Paraguay. He, Sr. Gelly, will find here a systematic hostility on the part of the Imp<sup>t</sup> Gov<sup>t</sup> towards Rosas. But, at the same time, though Brazil has maintained & still maintains a Chargé at Assumption, he will find that this Gov<sup>t</sup> being somewhat apprehensive that Rosas will shortly be relieved from the war of the Armed Intervention, & that he will immediately seek pretexts for a war with Brazil, his mission just at this moment is looked on as mal a propos. Gen<sup>l</sup> Guido, the Argentine Minister says, that his bureau is one "not of protocols but of protests." . . .

I have the honor [etc.].

*Henry A. Wise to President López of Paraguay*

RIO DE JANEIRO, December 1, 1846.

The Undersigned had the honor lately to receive the despatch of Y<sup>r</sup> Exc<sup>y</sup>, dated the 15<sup>th</sup> of Sept<sup>r</sup> last, communicating copies of sundry papers touching the mediation proposed by the Hon. W<sup>m</sup> Brent J<sup>r</sup> late Chargé d'Affaires of the U. S. at B. Aires, between the Republick of Paraguay & the Argentine Government.

Having no powers to act himself on the subject, he will immediately transmit Y<sup>r</sup> Exc<sup>y</sup>'s letter & accompanying doc<sup>t</sup> to the Gov<sup>t</sup> of the U. S. He, at the same time, deems it his duty to inform Y<sup>r</sup> Exc<sup>y</sup> that on the 17<sup>th</sup> of June last he rec<sup>d</sup> an open copy of a despatch addressed by the Hon. James Buchanan, Sec<sup>y</sup>. of State of the U. S., to M<sup>r</sup> E. A. Hopkins, dated the 30<sup>th</sup> of March last [See below, the volume containing the Communications to Paraguay.—Ed.], recalling him from his agency near the Gov<sup>t</sup> of Paraguay. M<sup>r</sup> Hopkins had already on the 19<sup>th</sup> of April, before his recall reached this place, departed from Rio de Janeiro for the U. S. In this despatch to him of the 30<sup>th</sup> of March, he was, by order of the Pres<sup>t</sup> of the U. S., thus specially instructed:—

"In taking leave of the Pres<sup>t</sup> of Paraguay, you will assure him that the Pres<sup>t</sup> of the U. S. still entertains the strongest & kindest feelings for the Republic & People of Paraguay, & that whenever circumstances shall enable him to manifest these feelings, by his conduct, he will eagerly embrace the opportunity. He regrets extremely that the civil war now raging between the Argentine Republic & one of its Provinces, with which Paraguay has entered into an alliance offensive & defensive may postpone for a season the execution of his intentions; but he still cherishes the hope that it will be in his power, at no distant day, to recognize the independence of Paraguay & bid her welcome into the family of nations."

It having been the desire of the Pres<sup>t</sup> of the U. S. that Y<sup>r</sup> Exc<sup>y</sup>. should receive the foregoing expressions of his cordial goodwill & assurances; & M<sup>r</sup> Hopkins having departed before he rec<sup>d</sup> these instructions to him, the undersigned, with unfeigned satisfaction, transmits them to Y<sup>r</sup> Exc<sup>y</sup>. as the most grateful reply, doubtless, which he could make to Y<sup>r</sup> Exc<sup>y</sup>'s note. And he has the honor [etc.].

*Gaspar José de Lisboa, Brazilian Minister to the United States, to James Buchanan, Secretary of State of the United States*<sup>1</sup>

WASHINGTON, February 11, 1847.

M<sup>r</sup> Lisboa presents his compliments to M<sup>r</sup> Buchanan, and agreeably to his engagement of yesterday has the honor to transmit to His Excellency here enclosed the copies of two letters which were addressed to M<sup>r</sup> Lisboa confidentially by the Minister of the Foreign Affairs of Brazil on the 16<sup>th</sup> of november and the 5<sup>th</sup> December last, concerning the occurrences which took place at Rio de Janeiro on the 15<sup>th</sup> november and the 2<sup>d</sup> December.<sup>2</sup>

M<sup>r</sup> Lisboa avails himself of this occasion [etc.].

<sup>1</sup> Notes from Brazil, vol. 2.

<sup>2</sup> These two communications, which are instructions to the Brazilian minister from his government, and which show the light in which that government viewed the Lieutenant Davis episode and subsequent related events, follow:

*Barão de Cayrú, Minister of Foreign Affairs of Brazil, to Gaspar José de Lisboa, Brazilian Minister to the United States*

Confidential

RIO DE JANEIRO, November 16, 1846.

In my public despatch N<sup>o</sup> 27 of the 4<sup>th</sup> instant, I suggested to Your Excellency that it would be necessary to explain to the Secretary of State, Mr. Buchanan, the propriety of appointing another Minister of the United States of America to this Court in place of M<sup>r</sup> Wise, who, by means of his morose and gloomy temper, has put in jeopardy the good understanding which fortunately subsists between the two States. The correspondence which he has held with me respecting the outrage committed by Lieutenant Davis plainly shows that Mr. Wise is wholly unable to discuss diplomatic questions with that calmness which is so necessary for a good result in negotiations. Mr. Wise has just confirmed the correctness of the opinion which has been entertained respecting him. Not content with assuming an arrogant tone in the correspondence adverted to, which I repelled with energy, he has committed the offence (or raised the scandal, or given occasion for remark) of not appearing yesterday at the Imperial Chapel and at the Palace upon the occasion of the celebration of the August ceremony of the Baptism of Her Royal Highness the newly born Princess—notwithstanding he received the usual invitation. He has gone still further. He has advised the American Commodore Rousseau not to fire a salute from the frigate under his command in commemoration of such a joyful event. Any other Diplomatist who might have just causes of complaint against the Imperial Government, would never have been wanting in that courtesy and regard which Governments owe to one another on occasions of National Festivities, and would have behaved in that manner only in the event of having received instructions from his own Government. The fact above mentioned is in its nature so offensive and revolting, that the Imperial Government is persuaded that when made known to the President of the United States, it will be sufficient for him to acknowledge that the conduct of Mr. Wise deserves to be highly censured and that of Commodore Rousseau also, who ought not to have allowed himself to be influenced by the counsels of a Minister who appeared so extremely angry about an affair in which all the right was on the side of the Brazilian Authorities. The Imperial Government therefore expects that the President will give it a public satisfaction by causing Mr. Wise and Commodore Rousseau to be recalled without loss of time and that Your Excellency will be informed thereof by a note from the Secretary of State. It is my duty to inform Your Excellency that so long as Mr. Wise remains accredited to this Government, he shall never again be invited to the festivities at the Palace. The Imperial Government expects that Your Excellency will execute these instructions with skill, as it has reason to expect from your zeal, information and knowledge of business. God preserve Your Excellency.



*Henry A. Wise, United States Minister to Brazil, to James Buchanan, Secretary of State of the United States*<sup>1</sup>

No. 56

RIO DE JANEIRO, *March 18, 1847.*

SIR: On the 8<sup>th</sup> ins<sup>t</sup> I rec<sup>d</sup> a note from the Barão de Cayrú, dated that day, acknowledging the recp<sup>t</sup> of my five several notes addressed to him in all the month of Feb<sup>y</sup> last (copies of which have been forwarded to the Department),<sup>2</sup> and saying that they were "taken into consideration by the Imp<sup>t</sup> Gov<sup>t</sup>, and would be opportunely answered." The truth is, they dont mean to answer them for a long time, for the Emperor departs tomorrow on his tour to Campos, and no business will be done until his return:—What difference, though, *when no business is done whilst he is here?*

[TRANSLATION]

Confidential

RIO DE JANEIRO, *December 5, 1846.*

Your Excellency has been informed of what took place with Mr. Wise on the occasion of the arrest of three sailors and an officer of the American Navy and of the result of the proceedings set on foot against that officer and one of the said sailors. This occurrence, which in itself was nothing uncommon, has placed in serious jeopardy the official position of Mr. Wise in consequence of his highly reprehensible behaviour; for besides disregarding as he did, the sovereignty of the country whilst executing its laws, in contempt of the good harmony between the two Governments and of the mark of consideration which they mutually bestow upon one another of which the Imperial Government gave a proof upon that very occasion by giving up Lieutenant Davis to Commodore Rousseau so that he might be punished for his crime, according as the trial which was going on here might call for, he took upon himself to give vent to the whole of his personal resentment because those Americans were not dealt with in a way wholly peculiar; for on the 15<sup>th</sup> of last month when the ceremony of the Baptism of Her Royal Highness the newly born princess was celebrated, he advised Commodore Rousseau not to take part in the public rejoicings and the Frigate Columbia was guilty of the offence, in front of the Imperial Palace itself, of not firing a salute or hoisting her flags. Public opinion spoke aloud, and the opposition journals attacked the Government for not showing more energy in consequence of such weighty offences. Meanwhile the Government performed its duty relative to so delicate a matter, and although it has the greatest regard for that of the United States, the insult to His Majesty the Emperor on that day of national festivity was so direct, the behaviour of Mr. Wise has since then been so strange and provoking, that by order of his Majesty the Emperor he was not invited to Court on the 2nd instant. On that day the scene of the 15<sup>th</sup> was repeated. The Commodore, after having retired near the Fort of Santa Cruz persisted in his former conduct by not hoisting his flags on his Frigate and not saluting; he caused some vessels of war to leave this Port and he himself sailed on the 3d as if he wished to be present on his Majestys birth day for the purpose of aggravating the matter still further. This last indignity was certainly instigated by Mr. Wise, and Your Excellency is informed of it so that you may apprise Mr. Buchanan, the Secretary of State, in order that it may be atoned for in a public and satisfactory manner, Your Excellency taking into consideration the antecedent events. I am certain that on the 2nd the American Consul had the flag of those states hoisted in front of his Consulate as is the custom here and some American soldiers having been taken by the police authorities in the act of committing disorders, the said Consul behaved with urbanity in the requirements proper on the occasion. I observe to Your Excellency that Foreigners themselves and the Ministers accredited to this Court speak in terms of censure of the insults of Mr. Wise.

God preserve Your Excellency.

<sup>1</sup> Despatches, Brazil, vol. 16.

<sup>2</sup> This correspondence related to claims of citizens of the United States against Brazil, and is therefore not included in this publication.

Inclosed is a statement of my acct<sup>s</sup>, up to the 1<sup>st</sup> of January last, with the vouchers, directed to the 5<sup>th</sup> Auditor. M<sup>r</sup> Walsh has not yet finished a copy of my memoir of the claims.

I send herewith also a copy of the Documents <sup>1</sup> relative to the Mission of M<sup>r</sup> Hood, the Special agent of the Gov<sup>t</sup> of G<sup>t</sup> Britain to the Gov<sup>t</sup> of B. Ayres.

Gen<sup>l</sup> Guido requests me to inclose the within letter for Gen<sup>l</sup> Alvear.

The Russian Minister departed this morning. He informed me last evening that this Gov<sup>t</sup> expects Lord Howden, whom G<sup>t</sup> B. sends to this court in the place of M<sup>r</sup> Hamilton, to be charged with full powers to settle the affairs of the River Plate. The Imp<sup>l</sup> Gov<sup>t</sup> is thereby much flattered, and the Minister for F. Aff<sup>s</sup> exclaims:—"Oh! Providence will take care of this country!"—If Providence dont, no one else will. Rosas will grievously disappoint Lord Howden and Brazil too; and, a mission of G<sup>t</sup> B., thus charged, may and probably will complicate still more the affairs of all Eastern S. America. The U. S. ought to look well at the course of G<sup>t</sup> B. just now. If she lets in Brazilian produce, by her new rates of duties, she will win the hearts of this silly people, and will obtain her old privileges; besides settling affairs all around with other states, to her own advantage.

Comd<sup>re</sup> Rousseau is still at the River.

Our news from home is very old, we have had no late arrivals from the U. States.

I have the honor [etc.].

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*Henry A. Wise, United States Minister to Brazil, to James Buchanan, Secretary of State of the United States* <sup>2</sup>

No. 57

RIO DE JANEIRO, April 12, 1847.

SIR: I had the pleasure to receive yesterday, by the Southampton, your despatch N<sup>o</sup> 30, dated the 2<sup>d</sup> of Feb<sup>y</sup>.<sup>3</sup> Nothing could be more satisfactory to me than the mode in which you have adjusted "the serious controversy with the Brazilian Gov<sup>t</sup>," growing out of the imprisonment of Lieut. Davis & the three sailors of the U. S. S. Saratoga, at Rio de Janeiro on the 31<sup>st</sup> Oct<sup>r</sup> last. The letter of M<sup>r</sup> Lisboa as delivered to you on the 1<sup>st</sup> of Feb<sup>y</sup>., was certainly an ample apology, the substance of which is that his Gov<sup>t</sup> confessed it had done wrong & solemnly vowed it "would do so no more." With the true point & emphasis of its meaning, as such, you accepted it, & I am fully satisfied with the adjustment, without seeking to be informed of the steps by which it was made. If the Minister for Foreign Affairs or the Gov<sup>t</sup> here had acted with half the discretion which has marked the course of M<sup>r</sup> Lisboa at Washington, there would have been no controversy at all.

<sup>1</sup> None of the enclosures mentioned as having accompanied this despatch is with the file copy.

<sup>2</sup> Despatches, Brazil, vol. 16.

<sup>3</sup> Above, pt. III, doc. 465.

Instead of explanation or apology, or disclaimer of national insult, the outrage in all its parts was assumed and justified. Half what is said by M<sup>r</sup> Lisboa in his note to you would have completely satisfied both the Commodore & myself, if the explanation had been at first properly tendered on the release of the prisoners. But how different was the very first note, by command of the Emperor, addressed to me here! And how will this settlement at Wash<sup>n</sup> contrast with His Majesty's imperious tone in declining lately to grant me an audience & to receive, at my hands, a letter of congratulations even from the President of the U. States!<sup>1</sup> The full correspondence on the latter subject was forwarded by the Levant, which sailed hence on the 4<sup>th</sup> of March last.

You may assure M<sup>r</sup> Lisboa that I will abstain from publishing his note here, not only out of respect to your request but from regard to him. I have borne the severest censures from the Brazilian press & have remained silent, not even allowing my friends to reply at all before the public, in order to avoid increasing in the least the ill-feeling already engendered. It is fully sufficient for me to be allowed to say that the whole affair has been settled to the entire satisfaction of my Gov<sup>t</sup> & myself. I would do anything now honorable to be done or just to myself, to cloak the wrong of the Imp<sup>l</sup> Gov<sup>t</sup> from the reprehension of its own functionaries. I desire only to "be able for mine enemy, rather in *power* than *use*."

Whatever sensation this affair may have caused in the commercial community at home, I am proud to say that the leading American house here, that of Maxwell Wright & Co., most firmly sided with the course I felt it my duty to take for redress in the case. The foreign merchants & residents have long ago found that the forbearing & temporizing course heretofore pursued by almost every power towards Brazil, will not do for their protection. In gross acts of personal oppression, and in corrupt fines, & in various other ways, they pay more in purse & wounded pride than they could possibly lose in the temporary suspension of trade, if caused by a little wholesome resentment & chastisement. I can safely appeal, I am sure, to M<sup>r</sup> W<sup>m</sup> Wright, the senior partner of the house referred to, who is now in Baltimore, & who with his partners had more by far at stake in any rupture which might have occurred than any other Americans, to sustain the position that a firm & decided course of maintaining what is right in our relations with Brazil is the true policy, in fact, of preserving peace with her as well as of protecting our citizens resident in this country. Our foreign trade, you may rely on it, was in no danger, & never will be, by observing such a policy. The truth is that, personally as well as patriotically, I would be one of the last persons in the world to endanger our trade with Brazil, for the reason, if none other & better, that several of my most faithful friends are most largely

<sup>1</sup> These were congratulations on the birth of a princess. The correspondence accompanied, and was discussed in Wise's No. 55, of February 27, 1847, which has not been included in the present publication.

interested in its uninterrupted prosperity & progress. But, at the same time, it must be borne in mind, whilst treating any case of difficulty with Brazil, that we have a moral cause to sustain against the bad administration of her Gov<sup>t</sup>, which must not be made to yield to the danger even of trade. Her countenance of the abuse of our flag in the slave trade, & her persevering antipathy to all foreigners, not except Americans, against the very sense & spirit of the age, must at times be rebuked, at the hazard even of the most considerable commercial interests.

The praise which the Pres<sup>t</sup> has instructed you to bestow on the "energy & zeal" of my course, is the more highly appreciated by a proper sense that it is not undeserved; & that sense will enhance, too, I hope, in his estimation the grateful thanks which I beg you to return to him for firmly sustaining a public servant in doing what he felt to be his duty to his country & its citizens & its flag in a foreign land. He may rest assured that I will not abuse the confidence which he reposes in my conduct "to restore harmony & promote friendship between the two countries;" and I am sure that he will see in my despatch N<sup>o</sup> 55,<sup>1</sup> respecting the audience which I was lately instructed to ask, & which was declined by the Emperor, an earnest of the disposition to "be guided by the desire" which he recommends. Since the correspondence on that subject Com: Rousseau arrived from the River Plate, & on the 6<sup>th</sup> inst. I addressed to him the inclosed note marked "A."<sup>2</sup> The next day he was *requested* to salute on the occasion of celebrating the event of the coronation of the Emperor, & he did so in grande gala style. We have both done everything in our power to heal the breach, & will continue to cultivate good feeling. But all will not avail with these obstinate & ignorant people to place either the Commodore or myself in a position again to serve our country the most efficiently or favorably at this court. We both desire to return home, & ought to be allowed to do so, as soon as we can possibly be relieved. Three deep-rooted causes, which cannot be removed, & which I cannot conscientiously allow to cease to operate, have made me incurably odious to this Gov<sup>t</sup> & its people.

1<sup>st</sup> I have faithfully & fearlessly endeavored to snatch our flag from their uses in the slave trade. It was but yesterday that Com: Rousseau had to despatch, at the instance of M<sup>r</sup> Parks, the Consul, a cutter to look out for an American barque which had the night before landed 450 slaves within cannon-shot of this harbor! The Ministers & Councillors of State & Senators & Delegates in the Legislative Chambers are, undoubtedly, engaged in this bold as well as horrid traffic, & its principal capitalists are the owners of the newspaper press in this city which prevented more than any other cause a course of conciliation on the part of the Imp<sup>l</sup> Gov<sup>t</sup> respecting the imprison-

<sup>1</sup> See last preceding footnote.

<sup>2</sup> Not copied for this publication; it informed Rousseau of events that had occurred since he left Rio de Janeiro, discussing, especially, the Brazilian refusal to grant him an audience to deliver the President's congratulations.

ment of L<sup>t</sup> Davis & the three seamen. In connexion with this subject I send a late correspondence, marked "B" & "C," between the British & this Legation<sup>1</sup> at this court, concerning the case of the Lucy Penniman, a vessel seized under our flag on the coast of Africa, at the request of her own crew, by H B M's ship of war the Cleopatra. This vessel & her owner, a Capt<sup>n</sup> Riddel, who has lately gone hence to the U. States, have been long suspected by me & by the Consul. They ought both to be seized & tried in the U States, if the witnesses can now be found.

2<sup>d</sup> I have, in obedience to express & repeated instructions, pressed urgently for the indemnities due to our citizens from this Gov<sup>t</sup>. This has gored them sorely & they now confess that they must & will have to pay our claims. To show you how I have labored to place our old prize cases on the best footing before I leave here, I enclose the copy of my memoir & argument upon them in reply to Baron de Cayrú, omitted in despatch N<sup>o</sup> 55, & now marked "D." 2

3<sup>d</sup> I have protected the personal liberty of our citizens against the grossest oppressions of corrupt & brutal subordinates sustained by the Imp<sup>l</sup> Gov<sup>t</sup> itself. The affair of L<sup>t</sup> Davis terminated in a crisis, & on account of it alone neither I nor the Com<sup>d</sup><sup>te</sup> will ever be forgiven. They call the Columbia "the black Devil!" And they rate me as worse than His Satanic Majesty himself. They both hate & fear us. The interest of the Country, therefore, requires that, now that my conduct has been approved of & I can go home free from censure & with honor, some better man who can better serve the Country should be sent as soon as possible to relieve me. I trust he will firmly discharge his whole duty as to the slave trade, our claims, & as to the protection due to the persons of our citizens, & yet be able to escape, as I have not done, the odium of Brazilians & their Gov<sup>t</sup>. But *how* he will do both of these things requires more diplomatic tact than is dreamt of in the philosophy of any plain blunt man. And shall these duties not be strictly discharged? And will they ever render our Minister here odious? And must he, then, ever retire from the Court? These are grave questions unless a firm ground is maintained at Wash<sup>n</sup>, & then all difficulty, I think, will vanish, & my successor will, as I hope he may, have a comparatively easy mission. I have labored hard to prepare the way for him, & shall be most happy to see him arrive at my house in Rio de Janeiro.

I have the honor [etc.].

P.S. The Doct<sup>r</sup> referred to above not now enclosed will be forwarded by the Courier.

<sup>1</sup> Not copied for this publication.

<sup>2</sup> Not within the scope of the present publication.

*Henry A. Wise, United States Minister to Brazil, to Barão de Caryú, Minister of Foreign Affairs of Brazil*<sup>1</sup>

RIO DE JANEIRO, April 21, 1847.

The Undersigned, Envoy &c of the U. S. informs Y<sup>r</sup> Ex<sup>ly</sup> that he has lately rec<sup>d</sup> the decision of his Gov<sup>t</sup> respecting the "lamentable affair" of L<sup>t</sup> Davis and the three seamen who were imprisoned by the police authorities of Rio de Janeiro, in October last.

Whilst the Undersigned cannot but be gratified that his own course has been not only approved but complimented by the Pres<sup>t</sup> of the U. S.; he, at the same time, feels more deep cause of congratulation, on account of the public good of both countries, in the happy result that "the controversy has been settled after explanations from the Brazilian Gov<sup>t</sup>, through their Minister at Washington, which were entirely satisfactory to the Gov<sup>t</sup> of the U. States."

The Pres<sup>t</sup>, through the Sect<sup>y</sup> of State, has informed M<sup>r</sup> Lisboa that "the whole occurrence, so far as the U. States are concerned, shall henceforward be buried in oblivion"; and he has said to the Undersigned "that he relies with confidence, the 'amende honorable' having been made by Brazil, that" his "conduct towards the Brazilian authorities will be guided by a desire to restore harmony and promote friendship between the two countries whose mutual interests are so deeply identified with each other."

The Undersigned will, assuredly, do all in his power not to disappoint this just and flattering confidence of the President; and he, at once, tenders to the Imp<sup>l</sup> Gov<sup>t</sup> every disposition to conform, cordially, to this friendly instruction, and to enter upon a new interchange of kindness and civility. He regrets that there was ever any occasion for misunderstanding; and, with a view to remove all causes of ill-feeling for the future, he reminds Y<sup>r</sup> Ex<sup>ly</sup> that there are many matters of business and of etiquette now pending between the Court of Brazil and this Legation. He had, months before October last, requested to be recalled: that request is likely soon to be complied with; and, in the meantime, he is instructed especially to procure the payment of the indemnities due to the citizens of the U. States, which have been so long pending. And he, therefore, again brings these claims to Y<sup>r</sup> Ex<sup>ly</sup>'s serious consideration.

The Undersigned has the honor [etc.].

<sup>1</sup> Despatches, Brazil, vol. 16, enclosed with Wise to the Secretary of State, No. 59, below, this part, doc. 612.

*Henry A. Wise, United States Minister to Brazil, to James Buchanan, Secretary of State of the United States*<sup>1</sup>

No. 59

RIO DE JANEIRO, April 22, 1847.

SIR: The ship Courier not departing so soon as I expected, I am enabled to to apprise you by her of the manner in which I have addressed the Imp<sup>l</sup> Gov<sup>t</sup> in relation to the adjustment of the L<sup>t</sup> Davis affair. The accompanying copy will show you my letter to Barão de Cayrú of yesterday,<sup>2</sup> which I trust will meet your approbation. In my last I said that I would make no communication until the return of the Emperor. I was induced to change this determination by learning that H. M. would not return before about the 28<sup>th</sup> ins<sup>t</sup>, and that there is a machination on foot to make, in the mean time, the worst impressions on his mind and to cause him to resort to extreme measures, not only in respect to myself but to M<sup>r</sup> Lisboa. It is openly said and generally believed that the latter is not only to be *recalled* but to be *tried*, and that my passports are to be tendered to me.

In this aspect of the affair, I have thought it politic to anticipate the return of H. M. and to make him find it difficult to repulse honorable overtures of conciliation. A stubborn & stupid Council, however, acting upon the vain-glory and pride of a young Emperor who is just beginning to feel his importance in the world, may be expected easily to do wrong and make mischief. The Cabinet dare not publish the facts of the origin of the difficulty, they have caused the press here to falsify so much in regard to them; and they have no evidence against the propriety of the settlement by M<sup>r</sup> Lisboa, but are ashamed to exhibit its terms and dread the discussion in the Chambers. In this dilemma, they are lashing themselves up to the point of pretexts for putting on grand airs of offended dignity, and of doing the gross injustice of sacrificing their Minister abroad for the grievous offense of putting right their own blunders and wrong.

With the highest personal and official regard, I am, Sir [etc.].

*Barão de Cayrú, Minister of Foreign Affairs of Brazil, to Henry A. Wise, United States Minister to Brazil*<sup>3</sup>

[TRANSLATION]

RIO DE JANEIRO, May 4, 1847.

The Undersigned, of His Majesty's Council, &c &c having submitted to the knowledge of his August Sovereign, the note from the Hon<sup>bl</sup> H. A. Wise

<sup>1</sup> Despatches, Brazil, vol. 16.

<sup>2</sup> Above, this part, doc. 611.

<sup>3</sup> Despatches, Brazil, vol. 16, enclosed with Wise to the Secretary of State, No. 61, below, this part, doc. 614.

&c &c dated 21<sup>st</sup> of April last, has to inform that gentleman, in answer to the said note, that His Majesty the Emperor, having disapproved the act of His Minister, to which the Hon<sup>bl</sup> Mr. Wise alludes, considers as still pending between the Imperial Government and that of the United States, the settlement of the manner wherein, the deplorable circumstances which took place on the 31<sup>st</sup> of October, the 15<sup>th</sup> of November and the 2<sup>nd</sup> of December, should be buried in oblivion; and mean-while the interruption of His relations with the Hon<sup>bl</sup> Henry A Wise Envoy Extraordinary and Minister Plenipotentiary of the United States, will continue. The Undersigned repeats to that Gentleman, the assurance of his most distinguished consideration.

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*Henry A. Wise, United States Minister to Brazil, to James Buchanan, Secretary of State of the United States*<sup>1</sup>

No. 61

RIO DE JANEIRO, May 7, 1847.

SIR: The Emperor arrived at this capital from his northern tour the 29<sup>th</sup> ult<sup>o</sup>.— Previous to his return the despatches arrived from Washington; the Council of State was immediately convened, came to a decision, & its resolve was sent by courier to His Majesty. The rumor was that M<sup>r</sup> Lisboa was to be recalled for reason of the “amende honorable” he had made to our Gov<sup>t</sup>.— This was but too truly confirmed by a decree published in the “Gaceta Oficial” of the 26<sup>th</sup> of April, a copy of which I inclose in the Jornal do Commercio of the 27<sup>th</sup> ultimo. The n<sup>o</sup> of that paper of the 23<sup>d</sup> of April contained the foreshadowing of this decree in a semi-official editorial which also is inclosed. On the 3<sup>d</sup> inst. His Majesty opened the General Legislative Assembly, & in his speech, which is inclosed, announced that the affair of the imprisonment of L<sup>t</sup> Davis & the three seamen was *not* adjusted, but that the Senators & Deputies might rest assured that it *should* be concluded in a manner comporting with the national dignity. And on the 4<sup>th</sup> ins<sup>t</sup> I received from the Minister for Foreign Affairs a note in reply to mine of the 21<sup>st</sup> of April, of which the inclosed is a copy.<sup>2</sup>

Under ordinary circumstances I should have deemed it my imperative duty to terminate the mission by the peremptory demand of my pass-ports, after receiving such a note as this. But, reflecting that my course had been fully sustained; that my Gov<sup>t</sup> had in fact made it its own; that the Brazilian Minister was severely rebuked & punished for righteously rendering satisfaction on account of both wrong and insult to the U. States, on the terms

<sup>1</sup> Despatches, Brazil, vol. 16.

<sup>2</sup> Above, this part. The printed enclosures are with the file copies as are, also, hand written translations of the articles mentioned; but they have not been copied for this publication.



demand by the President himself; that I had myself requested the appointment of a successor whose nomination was already confirmed; that he would in all probability soon be here, & that to him more properly belonged the adoption of the course to be pursued in behalf of our own Gov<sup>t</sup> towards this; & knowing the desire of the President & his cabinet that I should do nothing to embarrass or complicate the affair farther than it is already: I concluded, rightly I think, to make no reply whatever to this note, & to await the arrival of M<sup>r</sup> Tod. But, I shall not fail to urge upon him on his arrival, the considerations that, inasmuch as the Emperor of Brazil has presumed to recall his Minister from Washington for making an amende exacted by the President of the U. States himself, & has thereby in fact retracted the satisfaction rendered to our Gov<sup>t</sup>; & has, at the same time refused to admit the privileges of the Minister of the U. States at this court on account of acts not only approved but complimented by his own Gov<sup>t</sup>; he, M<sup>r</sup> Tod, ought not, upon every consideration of personal & national pride & honor, to ask an audience of H. M. the Emperor of Brazil until he hears further from the Pres<sup>t</sup> & cabinet at Washington. And in this case I will presume to suggest to them, that now, more than ever, a bold & decisive course is required on their part. The very insolence of Imperialism has prevailed in the councils of Brazil respecting this affair. They have recalled M<sup>r</sup> Lisboa, a good man & minister for reason of a proper apology for both outrage & insult. It behoves the President, then, to decline to receive any other Minister as long as the act of M<sup>r</sup> Lisboa is disapproved; & he is bound to recall the Minister of the U States at this court, for the reason that the Emperor has refused to accord customary & equal privileges to their Minister now here on account of acts approved & applauded by his own Gov<sup>t</sup>; & in any event whether the mission is to be continued or not, the immediate indemnity of all our claims ought to be demanded.

With the highest personal & official respect [etc.].

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*Henry A. Wise, United States Minister to Brazil, to James Buchanan, Secretary of State of the United States*<sup>1</sup>

[EXTRACT]

No. 63

RIO DE JANEIRO, June 27, 1847.

SIR: . . . For several days I received no answer to my note of the 12<sup>th</sup> inst.<sup>2</sup> In the meantime your despatch N<sup>o</sup> 33, of the 29<sup>th</sup> March,<sup>3</sup> came to

<sup>1</sup> Despatches, Brazil, vol. 16.

<sup>2</sup> It was a letter of condolence, addressed to the Minister of Foreign Affairs, on the occasion of the death of the Emperor's son. It was not included in this publication.

<sup>3</sup> Above, pt. III, doc. 465.

hand, detailing the manner in which the President so firmly sustained my course, & refused to cast an unjust censure for doing my duty by recalling me, except at my own request, & not then even until he had received an "amende honorable" from the Minister of Brazil. Nothing could have been more satisfactory or gratifying. I was at once relieved from *the merely & purely personal position* in which this Court had attempted to place me. I felt that I had done right & had been approved, and, therefore, felt strong &, consequently, grateful to my superiors who had the nerve of patriotism to fortify me in doing my duty to the Country. This was wisely & well done by the President, and I sincerely thank him for it, more for the public good than on my own account. It was no longer a "questão WISE", but one between *the Government of the U. States and that of Brazil*. That is the true & dignified issue, and the merits of the case will fully bear us out in its severest ordeal. This despatch made me the more anxious, however, to relieve the President & his cabinet & the Successor nominated at my own request, from all embarrassment growing out of this untoward affair. I should have acknowledged its reception several days ago, had I not been awaiting the denouement of a friendly interposition of one of my diplomatic brethren, who confidently hoped, after my note of the 12<sup>th</sup> inst., to be instrumental in restoring harmonious relations between this Legation & the Court. No one could see how such a result could reasonably fail to follow such an overture on my part.

Some ten days ago, the Chargé of Belgium, late from the U. States, called upon me & opened the subject of my relations to the Emperor, saying how gratifying it would be to him in case he should be allowed to use his endeavors to restore harmony. He saw it was a question of Brazil, not of the Minister of the U. States at this Court. He saw that my Gov<sup>t</sup> had sustained me & that this Gov<sup>t</sup> was in a dilemma, and though that was its only hope of escape, yet it was impossible for it now to avoid unpleasant consequences by attempting to make the affair a personal affair only with me. He begged me to inform him what notice I expected to be taken of my note of the 12<sup>th</sup> inst., and in case a satisfactory reply was given to it, what answer I would make to enable the Cabinet, in turn, to invite me to Court & thus end the main difficulty? I had no doubt he came from S<sup>r</sup> Saturnino & hesitated not to give him a memorandum saying: that I would expect the Imp<sup>l</sup> Gov<sup>t</sup> to acknowledge my note of condolence; to say it accepted its expression from the U. S. Legation by its present Minister; that it would characterize this act of condolence as to it might seem proper; and, in order to give me a pretext for returning an answer, that it would add some such declaration as that it conceived my intention to be to manifest a sincere & proper respect for their Majesties & their family &c. &c. That to such a note I would reply, saying: how fully I appreciated this acknowledgment & acceptance by His Majesty, and declaring that my feelings, as the Minister of the U States, towards

H. M. & the Imp<sup>l</sup> family had never been other than those now manifested; that, in truth, it was an entire mistake to suppose that the feelings of either of the American authorities in Brazil were ever other than those in accordance with the most profound respect for H. M. & his Imp<sup>l</sup> family & with the most cordial friendship towards the Brazilian Gov<sup>t</sup> & nation. "He informed the Minister for F. Affairs of this, & two evenings past returned with what he called an ultimatum a memorandum from S<sup>r</sup> Saturnino himself, in Portuguese. It purported to give the projets of three notes one acknowledging mine of the 12<sup>th</sup> a reply by me containing a much stronger profession than I proposed, with a board disclaimer of all past intention to offend—a final answer accepting my humble apologies "de gratia", and allowing me again to attend Court, but with the understanding that the Gov<sup>t</sup> of the U States was never again to justify an officer in like case of that of L<sup>t</sup> Davis, & that the Imp<sup>l</sup> Gov<sup>t</sup> was to have the right to arrest American sailors under the same circumstances & in the same manner as those of the *Saratoga* were arrested." In a word the gist of the whole was, that I was to acknowledge myself & my Gov<sup>t</sup>, which had approved my acts, to have been in the wrong, & to prostrate my mission & myself before the throne of His Imperial Majesty, & to yield that hereafter insult & outrage both might be perpetrated against our flag and Legation, with impunity, and that then, forsooth, I might be allowed the "glorious privilege" of making the three bows forwards & the three bows backwards again!

I thanked the Belgian Baron for his kind offices, but requested him to inform S<sup>r</sup> Saturnino that I considered his tender of such propositions as the worst insult yet offered to the U. States—that I would have my right hand cut off & stuck on a post to point the way to a gibbet, before I would permit my thumb & forefinger to touch pen to sign the paper of such degrading notes! That it would be well for Brazil had my condolence never been expressed, and that now the Imp<sup>l</sup> Gov<sup>t</sup> must take the consequences it had thus stupidly incurred. The Baron replied that His Majesty had declared that he himself had not the least personal objection to me; and that, as far as he was concerned, he would, after such a tender of sympathy, admit me to Court & end all controversy at once; but such an impression had been made by the Press on the Court & on *Brazilians* generally, that Ministers would be greatly blamed if I were received by him, without some apparent atonement or apology. I said, in answer, that I had done right & my Gov<sup>t</sup> had sanctioned what I had done, & that it would rather ask than give satisfaction. I had no submission whatever to make, & that now I would not accept of an audience of H. I. Majesty. This ends the whole affair, and I am here waiting for M<sup>r</sup> Tod. These memoranda and conferences were confidential and are, of course, to be treated as such.

The question is—What can M<sup>r</sup> Tod do when he arrives? I will be plain with you on that subject. He cannot ask an audience with honor either to

himself or his country. I shall turn the mission over to the hands of M<sup>r</sup> Walsh as soon as M<sup>r</sup> Tod arrives, and shall urge the latter to await further instructions. What instructions? That is for the President & yourself to determine, but I am here on the spot & feel it my duty to advise. Send two frigates & two sloops of war to Rio de Janeiro & instruct M<sup>r</sup> Tod to ask an audience for the special purposes of demanding—1<sup>st</sup> explanations of the recall of M<sup>r</sup> Lisboa, whether that act was intended to withdraw the 'amende honorable' made by that Minister in the affair of L<sup>t</sup> Davis:—2<sup>dly</sup>, an apology for dishonoring the Minister of the U. States at this Court on account of acts approved by his Gov<sup>t</sup>:—3<sup>dly</sup> the payment of all our claims. They are all posted and recorded & can be liquidated in a moment. Tell M<sup>r</sup> Tod to obtain all three of these points, or that he must demand his passports, & that you will dismiss the Brazilian Legation from Washington. Do this, and you will get explanations, apologies, claims & all, and a treaty besides which will secure the rights of our citizens to protection whilst living in this country, & the rights of the heirs of our citizens dying in this country. M<sup>r</sup> John S. Wright, of the firm of Maxwell Wright & C<sup>o</sup>, for example, is lying now dangerously ill, and were he to die his large interest in that important & wealthy firm would fall into the hands of the Juiz dos Orphães of Brazil, and I would not give a vintem [vingtième?] to his wife & children for their interest in a property which would be in the custody & under the control of a band of robbers. The Capture of Vera Cruz will enable you to send ships to the South Atlantic, where I assure you they are needed. Never distrust the People of the U. States in such cases. They may be weary of whipping Mexicans, but they will justify the demand at the same time of what is right from any other people. We must be firm & decisive, I repeat, with this Brazilian people. They need a lesson. By all means have sent to this station an intelligent & gentlemanly & energetic Commodore in the place of Commodore Rousseau. The rumor is that the Navy Department is about to send Tho<sup>s</sup> Aplatesby Jones. No better man could be selected. I will depart within ten days after the arrival of M<sup>r</sup> Tod.

I forwarded to you, the other day, despatches from M<sup>r</sup> Harris, which will give you authentic & full information, doubtless, of the affairs of the River Plate. Ousely & Diffaudis have both passed by here on their respective ways home. The former called on me. To illustrate the position & policy of Rosas he said: that when treating with him he (Ousely) suggested to him that it would not derogate in the least from the sovereignty of a power like that of the Argentine Republic to acquiesce with a good grace in measures proposed & demanded by such Powers as those of G<sup>t</sup> Britain & France. That it was like the case of a physically weak man assailed, if he pleased, by two powerful ones, either of whom could crush him, & for the former of whom it would be folly to refuse submission, whilst it would not detract from his dignity to yield to the necessity of force. This showed not only the want

of tact on the part of the Joint Intervention, but it afforded Rosas the opportunity of suggesting the true wisdom of the whole affair by announcing his real policy founded on his actual *intangibility*. He replied, Ousely says, by saying: "Yes! but suppose that one weak man be on the "azotea" (a flat terraced roof) where the two strong assailants cant get at him, would he not be doubly weak to yield?" Therein is the whole power of Rosas, & the rationale of his policy. He cares nothing for cities nor for commerce. He is a gaucho, & his party & all his followers are gauchos—nomadic herdsmen who live on "carne secca" & "carne con cuero" without requiring bread often, and who can't be reached or much disturbed by the invasion of foreign armies. He, consequently, has risen most arrogantly in his demands. England & France must now 1<sup>st</sup> retire their armed Intervention—2<sup>dly</sup>, must pay the Argentines a goodly amount of pounds sterling, & 3<sup>dly</sup>, must decline to recognize Paraguay otherwise than as an Argentine Province. At the same time the English & French are splitting in their Councils & are not cordial in the cooperation which they avow. Great Britain is tired of the Intervention & wishes to retire, but will not do so unless France consents to retire also, because the former is jealous of the latter's ulterior designs. France lately endeavored with M. Video to enlist Brazil in the war. The rumor is, that Lord Howden threatened immediately to assist Oribe! But M<sup>r</sup> Harris has, doubtless, told you all concerning the River affairs.

There is no special news of importance at this Court.

I have the honor [etc.].

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*Gaspar José de Lisboa, Brazilian Minister to the United States, to James Buchanan, Secretary of State of the United States*<sup>1</sup>

WASHINGTON, July 19, 1847.

Mr. Secretary of State: I have already had the honor to advise you that the Emperor, my August Sovereign, had deemed it advisable to terminate the mission which had been entrusted to me as His Envoy Extraordinary and Minister Plenipotentiary to the United States of North America; and although I had not yet received the respective letter of recall, I hastened, in accordance with the instructions of my Government, to present to you the Secretary of Legation, the Chevalier Leal, in the capacity of Chargé d'Affaires of Brazil. Now I must inform you that I have just received the letter (copy of which is attached) which His Imperial Majesty addresses to the President of the United States to notify him of this decision; and, at the same time, I beg you kindly to request an audience of His Excellency, in which I may have the privilege of presenting him the said letter from my Sovereign.

Please accept [etc.].

<sup>1</sup> Notes from Brazil, vol. 2.

The Emperor's letter to the President follows:

*The Emperor of Brazil to the President of the United States*

[TRANSLATION]

Dom Pedro the Second, Constitutional Emperor and Perpetual Defender of Brazil, hopes that his Great and Good Friend, the Illustrious President of the United States, whom he much esteems and values, enjoys good health. Having directed the Chevalier Gaspar Jose Lisboa, my Envoy Extraordinary and Minister Plenipotentiary near Your Person, to withdraw, and as he will consequently no longer remain to discharge the duties of that trust, I hasten to address this communication to you, hoping that the said Chevalier has succeeded in gaining your good will and in being well received by you, as was to be presumed from the earnest recommendations which I constantly addressed to him, to endeavor to make himself agreeable to you and to tighten more and more the bonds of harmony and friendship which unite the two countries. Illustrious President of the United States of America, may Our Lord have you in his holy keeping. Written at the Palace in the City of Cape Frisem, the twenty sixth of April eighteen hundred and forty seven.

The Emperor (with a rubrick)

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*Felippe José P. Leal, Brazilian Chargé d'Affairs ad interim at Washington, to James Buchanan, Secretary of State of the United States*<sup>1</sup>

WASHINGTON, August 2, 1847.

Mr. Leal presents his respects to His Excellency Mr. James Buchanan, and asks him to have the goodness to appoint a day and hour on which he might have the honor to communicate to His Excellency the orders which he has received from his Government.<sup>2</sup>

<sup>1</sup> Notes from Brazil, vol. 2.

<sup>2</sup> A reply, dated August 3, 1847, informed Mr. Leal that the Secretary of State would be prepared to see him, at three o'clock of that day, for the purpose of affording him an opportunity to deliver the communications from his government mentioned in his note of August 2. This time was named, the note explained, because the Secretary wished to leave the city the next morning. The following instruction, dated, May 31, 1847, to Mr. Leal from his government, a copy of which is with the file copy of Mr. Leal's note of August 2, evidently contains "the orders" to which he referred, although an endorsement indicates that it was received on August 5, instead of August 3, the date set for its reception from Mr. Leal:

*Saturnino de Souza, Minister of Foreign Affairs of Brazil, to Felippe José P. Leal, Brazilian Minister to the United States*

[TRANSLATION]

RIO DE JANEIRO, May 31, 1847.

—I—As soon as you have been accredited to the Government of the United States, the first thing which you are to do is, to request a conference with the Secretary of

Footnote 2, page 390—*Continued*

State, and to recall his attention to the circumstances, which occurred on the 31<sup>st</sup> of October last; in order that he may acknowledge the justice with which the Imperial Government disapproved the declaration of its Minister dated the 21<sup>st</sup> of January [See above, part III, doc. 464, note 4.—Ed.], as being equivalent to a renunciation of the right of the Authorities of Brazil, to act as it is their duty and as they are entitled to act, whenever cases present themselves identical with those of that day, whenever the seamen of the American Squadron become intoxicated, and commit in the Brazilian territory, crimes or infractions of the police and municipal regulations, for which they may have been seized *in flagranti*.

The Brazilian Government is persuaded, that the disposition manifested by the Secretary of State in his conferences with your predecessor, to believe in the existence of unfriendly feelings in Brazil, towards citizens of the United States, has arisen from information, such as might be expected from the character, by no means conciliatory, of Mr. Wise, and not from an examination of the depositions relative to the imprisonment of the seamen, and of lieutenant Davis.

Although the Imperial Government might have been expected, to give entire faith to the reports of its authorities, as they had no interest in distorting the facts, as those on whom the effects of justice had fallen might have done, it nevertheless did not fail to examine those depositions attentively, so soon as they were presented to it, by Mr. Wise, annexed to his note of November 2<sup>nd</sup>, to which the Secretary of State referred in his conferences. And if the Imperial Government had been without the circumstantial reports of the facts, made by various authorities military and civil, all agreeing and all received before Mr. Wise's note, those depositions would have sufficed to afford conviction, that Lieutenant Davis had acted criminally, and was the sole provoker of the difficulty.

These depositions shew that a dispute took place near the Hotel Pharoux, and not far from the store of J. H. Brewer, occasioned by seamen of the United States, one of whom Driscoll drew a knife upon another, this is even declared by Lieutenant Davis in the statement made by him to his Commander, and is confirmed by the witnesses Macoduck, Watlington, and Holliday. Lieutenant Davis says, that while standing in that store, the seaman Devonport came there to complain, that Driscoll had drawn a knife upon him; and that on his immediately going to the place, where Driscoll stood, the latter delivered up the knife, and followed him. The witness Watlington however swears, that he saw the same Driscoll seized by two other seamen, when the Soldiers of the police came to quiet the disturbance, who on their arrival said something in Portuguese which he did not understand, and Driscoll and two other seamen falling on the ground, were made prisoners by the soldiers: he does not mention that Lieutenant Davis had already arrived, or that the Patrol took the seamen away from him when he had arrived there; nor does the fact that he was seized with the others, agree with the declaration of Davis, that Driscoll had delivered the knife to him, and was following him, when the patrol came to take him away. It should be here particularly observed, that Lieutenant Davis endeavoured to produce the impression, that the soldiers of the patrol had taken the seamen from his hands, and not that he had taken the seamen from the hands of the patrol which held them prisoners: but if this witness saw the seamen fighting, when the soldiers came up, and they continued to fight, so far as to seize each other and fall on the ground, and were then taken by the soldiers, it is evident that the seaman who was the aggressor, had not delivered up the knife, and followed the Lieutenant, as the latter asserts; it is evident that the arrival of the Lieut was subsequent to the seizure of the seamen, *in flagranti delicto* of fighting in a street of the city, and not on the shore, and in sight of their boat. Whether it took place on the shore or not, is of no consequence as regards the right, which would be the same in either case; but it is proper to observe, that the back part of Brewer's store is in the Fresca Street, and the front on the shore, and that therefore the seizure could never have been made in sight of the boat, as might otherwise have been.

—2—It therefore follow that the police came up to the place of the disturbance, and arrested the seamen, before Davis, who had been called by Devonport, had arrived: on the contrary, the eyewitness says that Davis was carrying away the seamen when the patrol came up which took him away from the Lieutenant; so it appears that the patrol was struggling with the officer to take the seaman away from him, and not that he was endeavouring to rescue them from the patrol, as sworn by the witnesses Watlington and McLennan. Davis himself does not say, that the patrol offered to take charge of them. All these witnesses agree in declaring, that there was a struggle, in which Lieutenant Davis used his efforts to make the soldiers give up the seamen to him, and

Footnote 2, page 390—*Continued*

that the soldiers struck them with the flats of their swords, in order to oblige them to go to the prison. The patrol therefore did not withdraw the seamen from the power of their officer, but he endeavoured to wrest them from the public force, which had seized them *in flagranti* in the Fresca Street or that of Dom Manoel, and not on the shore near the boat of the squadron of the United States, as appears to be indicated by the Chaplain and by Lieutenant Stark, in the vague deposition which they both signed, on board of the frigate Columbia.

Lieutenant Davis says that he gave up the seamen to the patrol, and went to Brewer's store in search of an interpreter, to go with him after the seamen, in order to learn what was to be done with them: but the witness Macoduck says that he went to look for a midshipman's sword, and the witnesses Mc'Lennan, Watlington and Holliday, swore that Lieutenants Davis and Stark, went to Brewer's store to arm themselves, and then ran off in the very direction, taken by the patrol. Lieutenant Davis, not having succeeded in rescuing the seamen from the patrol, and being unarmed, went to arm himself, and pursued the patrol, which was carrying the seamen to the guard house of the Palace; and this is sworn by four witnesses, who were moreover interrogated by the American Consul, and brought forward in defence of Lieutenant Davis. Lieutenant Davis declares that when he approached the soldiers, they pointed their bayonets at his breast, and he then drawing his sword in his own defence, the patrol fled; whereupon he sheathed the sword, and followed as far as the steps of the Palace. The patrol however belonged to the Corps of police, which uses no bayonets, and is armed only with swords and pistols; but if the patrol had fled, the seamen must have been set at liberty by them, and have been at the discretion of Lieutenant Davis, who should have carried them to the boat, according to his intention, and not have followed, as he says he did, to the steps of the Palace the witnesses Macoduck and Holliday who accompanied Davis from Brewer's store, declare that the patrol succeeded in putting or thrusting the seamen into the Palace, before Davis reached them: Therefore Davis was not attacked by the patrol when he approached them again, nor did he put them to flight. This bravado or ostentation of valour, on the part of Lieutenant Davis, added to the falsehoods of which he is convicted by the very American witnesses summoned in his defence, shew clearly that this officer deserves no esteem on the part of his Government. Davis, undoubtedly knowing the serious nature of the act of attacking sentinels, declares that the patrol pointed their bayonets at him, and that upon their flight, he had followed them to the steps of the Palace, whilst the witnesses Macoduck and Holliday swear, that it was after Davis had reached the steps of the Palace, that the soldiers pointed their bayonets at him; (the soldiers of the guard carry bayonets) warning him to retire, and that he then drew his sword to defend himself; and the same witness Macoduck declares, that he saw from within, a person tell Davis, if he was an Englishman to go to his Consul; and Davis answered that he was an American, and an officer of the squadron, and had no need of the Consul; that being then pressed to enter, he was taken prisoner; the witness Holliday not venturing to swear that Davis did not enter the Palace with his sword drawn, says "I believe that he had sheathed his sword, before he was made prisoner." It matters little however as to the justice of his seizure, whether Davis entered with his sword drawn or not drawn; he was a man who had endeavoured to rescue prisoners from the power of the authorities of the country; who for that object had attempted to force his way into the Palace to the guards of which, those prisoners were delivered; who obliging the sentinels to point their bayonets at him, in order to repel him, had drawn his own sword; and the guard would have failed in its duty, if it had hesitated to seize him, even though he had then sheathed his sword, as this would only have rendered the circumstance less aggravating.

—3—It follows from what is above related, as established by the depositions presented, that Davis, seeing that the patrol would not deliver up the seamen to him, went with Lieutenant Stark to arm themselves, and then pursued the patrol, which he obliged to take refuge in the guard house of the Palace: that he endeavoured to enter there, in the same offensive manner, in which he had pursued the patrol, and on reaching that place the sentinels warned him to retire, with so much prudence, that they even advised him to go to his Consul, but that he, without respect for the place in which he was, or regard due to those sentinels who in the post confided to them for defence, did not attack him, insulted not only the sentinels but the whole guard. The witness Holliday had reason to shudder at the danger in which Lieutenant Davis was placed, being certain that he would be bayoneted on the spot."

The witnesses Macoduck and Mc'Lennan, who were always with Davis, declare that Lieutenant Stark was also very "*rudely and roughly pulled in*" but Stark was not



Footnote 2, page 390—*Continued*

treacherously taken there, as Davis says, which proves that the former had not committed the acts of violence practiced by the latter; nor does Stark complain, in the deposition which he signed with the chaplain, of having been "*rudely and roughly*" pulled in, or of having had bayonets pointed at him, while he was in company with Davis.

All this appears from the same depositions, which were sent by the legation, and on which the Envoy Extraordinary and Minister Plenipotentiary of the United States, founds his declaration, that these acts are *offensive to the flag and command of Commodore Rousseau*, and requires the chastisement of the patrol, and of the officer commanding the guard of the Palace!

Now even if the Imperial Government had not already received from its military and civil authorities, the proper reports of these circumstances, it might find in those depositions, convincing proofs, that Lieutenant Davis was the aggressor; and that he endeavours to extenuate the enormity of the acts, which he committed, by representing them in the point of view, most favorable to himself. This consideration appears not to have escaped Commodore Rousseau, when he says "*The circumstances as described in these several papers, demand in my opinion, most full and ample redress . . . I have respectfully to request, that you will use all convenient speed, to bring the affair to a termination, or at least to procure the release of Lieut Davis*, in order that he may sail, in the *Saratoga* on the 3<sup>rd</sup> inst"—saying nothing of the insult to his flag, or to his command, added afterwards by Mr. Wise, no doubt in order to raise a noisy discussion, which might give him in his country, the notoriety so anxiously sought by him, on all occasions, in this his first diplomatic mission.

—4—Although the official reports relating the circumstances as they occurred, rendered conjectures unnecessary, the Imperial Government nevertheless ordered a summary to be drawn up, in order to obtain a legal elucidation of the occurrences; and in the copy sent to your Legation, you will find still further proofs, of the exactness of the reports of the authorities, and consequently, the Imperial Government cannot chastise those who have performed their duty. It is not however to be supposed from this, that the Government approves the inhuman mode which is said in the depositions to have been employed by the soldiers, to oblige the seamen to follow them to prison; so far from which, orders were given for making proper enquiries, with a view to ascertain, whether any excesses worthy of punishment, had been committed; but drunken seamen, seized in the act of quarrelling in the street, and not submitting to be taken into custody, excited as they were by the efforts made by their officer to prevent their arrest, are certainly not to be carried by the arm like a lady, nor to be taken on the shoulders like children; and it is very difficult to determine whether the soldiers under such circumstances, employed only the force requisite to oblige the men to follow them to prison, or exceeded it, under the influence of the irritation, caused by resistance. It is certain that by our laws, a patrol which under such circumstances should give a few blows to a Brazilian Citizen, thus offering resistance, would not be chastised for it; and foreigners who commit crimes in the country, are subject to these laws. The Imperial Government deeply regrets that seamen of the American squadron should by their intemperance, have placed themselves in a position so disagreeable; but the expression of regret for this treatment of the imprisoned seamen, though it be necessary to convince the Government of the United States, that the Brazilian Government possesses all the qualities which distinguish civilized nations, is to be regarded as referring to the manner, in which the prisoners were carried to prison, and in no way to the right of seizing and punishing them, whenever their conduct should render it necessary.

With respect to Lieut Davis, there is no circumstance on account of which, the Government should reprobate or regret, the manner, in which he was made prisoner. It would have been to be lamented, if the sentinels had put him to death, when they were attacked by him with a drawn sword; but they would have fulfilled their duty; and that fatal extremity having been avoided, as it was, by his being arrested in any way, there is only reason for congratulation, that he should have escaped, from the imminent danger which he himself sought.

Any declaration which could be interpreted as a disapproval of the act of the arrest of Lieut Davis, would involve a renunciation of the right of Sovereignty even within the Palace of His Majesty the Emperor; and consequently a renunciation or resignation by Brazil, of the right of seizing and punishing every individual, who should have rendered himself guilty, agreeably to the laws of the country, would be to encourage a relaxation of the military discipline, on which the public tranquillity depends.

This is regarding the question on the side, on which it is viewed by the American Government; but considering it on the side of Brazil, this country has received a serious

Footnote 2, page 390—*Continued*

offence, in the acts committed by Lieutenant Davis, for which it requires ample reparation; On this you are to insist, advancing the weighty reasons above mentioned, and keeping in view, the other documents and instructions, which have been sent to your legation, relative to this affair.

—5—Passing now to the second affair, on which you have to treat, with the Government of the United States, that is to say the reparation due to Brazil for the acts committed by the Envoy Extraordinary and Minister Plenipotentiary Mr. Henry A. Wise, and by Commodore Rousseau, publicly and scandalously, on the 15<sup>th</sup> of November, and 2<sup>nd</sup> of December of the past year.

Although the appointment of another Envoy Extraordinary involves accidentally the satisfaction required by the Imperial Government, it is certain that the manner in which the recall of Mr. Wise was communicated, and the note addressed by him to my predecessor, dated 21<sup>st</sup> of April last, so far from indicating a reparation, shewed explicitly that the Government of the United States not only approved his conduct, but even *complimented* him for it and that his recall from this Court was *in consequence of his having requested it*.

The Imperial Government cannot but see in that note a repetition of offences; since it is affirmed therein, that the acts committed by the authorities of the United States, on the 15<sup>th</sup> of November, and 2<sup>nd</sup> of December, had for their object to express their *feeling, on account of what they regarded as an insult and offence received*, they not being in other respects competent as judges to determine and decide against Brazil, with regard to the scandalous proceedings twice publicly committed. Nor is it to be believed, that the said note can have been authorized by the Government of the United States; nor can anything be seen in it, except the itching desire of Mr. Wise, to throw upon paper every thing which his fertile imagination may suggest, in order to give vent to his passions. In support of these suppositions, see the context of his notes to the Imperial Government, for instance that of the 26<sup>th</sup> of February, in which he, interpreting according to his own pleasure, the answer given to him on the 25<sup>th</sup>, denying the audience requested, and reminding him that he might have the letter delivered to its high address in another way, proceeded to interminable and inadequate argumentations, offensive censures, and menacing assertions.

All these circumstances induce the belief, that Mr. Wise, in that note of the 21<sup>st</sup> of April, likewise distorted the views of his Government; which offers an additional reason for you to require from it, a categorical declaration, that it had disapproved the conduct of its Envoy Extraordinary at this Court Mr. Henry A. Wise, and that it ordered his recall, as a mark of reparation due to Brazil.

If the Government of the United States, being disposed to give the said satisfaction, should desire likewise to comprehend in it, the affair of Lieutenant Davis, you may agree to it; but in that case, it must be by a note, in which it is in substance declared, that—The Government of the United States, disapproving the conduct of its Envoy Extraordinary and Minister Plenipotentiary at the Court of Brazil, on the 15<sup>th</sup> November & 2<sup>d</sup> December, had immediately ordered his recall, and appointed another Minister shewing that by this formality it had yielded the reparation required by the Government of his Majesty The Emperor of Brazil.

—6—In case the Government of the United States should not have given any satisfaction, with regard to Lieutenant Davis, and should desire to do so, jointly with that above mentioned it may in that case, add the “expression of the feelings naturally inspired by such occurrences trusting that on the part of the Imperial Government, they will be buried in oblivion, as were, the lamentable occurrences of the 31<sup>st</sup> of October, by agreement between the two Governments.” This note having been signed, you may give in exchange for it, one on your part in which after extracting the above distinctly you will say in substance,—“The Undersigned has the honor to declare to the Honorable Mr. Buchanan Secretary of State, his conviction that the Government of His Majesty the Emperor of Brazil, will regard the contents of the said note as the just reparation, which he requested from the Government of the United States; all the occurrences occasioned by the arrest of the seamen *in flagranti*, on the 31<sup>st</sup> of October of the past year, being thus buried in oblivion, by mutual agreement of the two Governments.”

If however the Government of the United States should not be willing to yield this satisfaction, small indeed but yet sufficient to leave the rights and dignity of Brazil assured, you will wait for farther orders; without signing any declaration whatsoever, which does not in purport embrace this view of the Imperial Government. But if, when things shall have arrived at this point, of an absolute refusal, on the part of the

Footnote 2, page 390—*Continued*

Government of the United States, to make the required reparation, mention should be made by it of submitting the question to arbitration by another Government, you may answer, that you have no doubt that the Imperial Government, would agree to that expedient, if it should be proposed to it.

Your predecessor already announced, in consequence of a hint to that effect, from the Secretary of State, the coming of the new Minister Mr. Todd; but the newspapers of the United States have published, that Mr. Todd would not leave that country until August. In this, there may have been a political calculation, for waiting until it should be seen, how the Imperial Government considered the *amende honorable*, and whether Mr. Wise was admitted to act again, in the business of the legation; because in that case, every thing would have been set at rest: but when news should have been received there, of the disapproval of the acts of your predecessor, and that Mr. Wise is no longer admitted, possibly Mr. Todd may not come; It is probable also, that Mr. Wise, on receiving the note of the 4<sup>th</sup> inst, may request his passports which will be delivered to him immediately; But if he should not ask for them, and should continue his provocations, perhaps in order that we should send them to him, and he may thus take his leave in a manner calculated, to give him notoriety, we have no other alternative than to do so, and to put an end to the consideration, hitherto observed towards that Government.

—7—If Mr. Todd should have departed from the United States, before you have received these instructions, and acted in conformity [*sic*] with them, you will inform Mr. Buchanan that the Imperial Government is resolved, not to receive him in his official character, until he has agreed to give the satisfaction, in the sense and terms, in which you are charged to exact it; with which view I shall have an understanding with him, on his arrival, and if he should not come authorized to that effect, his presentation and reception will be deferred, until he has received instructions from his Government, which on being informed by you of this resolution, may send them to him, without further delay.

—8—In your conferences with the Secretary of State, you will endeavour always to impress him with the conviction, that the Imperial Government places a high value on the relations of friendship, harmony, and good understanding, with the Government of the Union; and regrets exceedingly that the extravagant conduct of Lieutenant Davis, and Mr. Wise, should have temporarily altered them. That Davis was the first promotor of these disagreeable occurrences, because if he, when the seamen had been taken, drunk and fighting in a public street of this City, instead of committing the excess of attempting to rescue them from the hands of the patrol, and to prevent the latter from executing an act of police, conformable with its duty, had gone and communicated the matter to his Commodore, and Mr. Wise had solicited their release, and delivery, they would have been immediately given up to him, as is daily done with respect to the seamen of the squadrons of other nations, who become intoxicated and are found in that state, although disorders may have been committed. If even after these excesses of Davis and his imprisonment, Mr. Wise had limited himself to soliciting his release, and that of the seamen before their delivery to the judicial authorities, and the commencement of the prosecution against them, they would have been delivered to Mr. Wise, who would thus have received another proof of the good feeling of the Imperial Government, towards the Government, and nation of the United States. A short time before this disagreeable occurrence, a young officer of the French Navy committed an act of disorder in the house of a public woman, which he entered forcibly, against her will; and having been arrested by the police, his commander, through the medium of the Chargé d'Affaires of France, before the prosecution was begun, solicited his delivery, with the assurance that he would be corrected on board of his ship; he was immediately given up, and the Chargé d'Affaires himself thanked the Imperial Government, for this act of kindness. A few years since, a marine of the English squadron was seized by the custom house guards at Bahia, in the boat of a brig of war, to which he belonged, coming from a merchant ship, to which he had gone without license, from the custom house and agreeably to the law, he was confined in a custom-house vessel, to be kept there, until he should have paid the fine incurred by him; the commander of the Brig went on board of the vessel, and took him away, but the English Commodore on being informed of the circumstances, immediately caused the marine to be sent back to the custom-house vessel, and despatched his next officer in full uniform, to make an apology to the Inspector of the custom house, alleging that those officers were ignorant of the provision of the law, and offering to pay the fine; this ample apology was received, and the fine was remitted. In 1842, two midshipmen of the squadron of Admiral Hugon, fought a duel at Naples, in a room of a Hotel, and were seized and tried;

*Henry A. Wise, United States Minister to Brazil, to Saturnino de Souza,  
Minister of Foreign Affairs of Brazil*<sup>1</sup>

RIO DE JANEIRO, August 12, 1847.

The Undersigned, Envoy &c. of the U. S., has received from the Pres<sup>t</sup> of the U. S. a sealed letter to H. M. the Emperor of Brazil, of which the inclosed is an open copy. At the time of its date it could not have been known to the Pres<sup>t</sup>, that the course which the Imp<sup>l</sup> Gov<sup>t</sup> has lately pursued upon the subject of the attempt, both here and at Washington, to settle existing serious difficulties, is, from its avowed character, so offensive to the U. States, as to make it wholly incompatible with either the honor of his Gov<sup>t</sup> or with his

Footnote 2, page 390—*Continued*

the French Ambassador requested their discharge; the King refused, and the Admiral weighed anchor and prepared to go to sea; the King however still refused to deliver them up, and they were tried and condemned, after which he pardoned them, and ordered them to be given up to the Admiral. An enlightened Government like that of the United States, cannot deny the right of Sovereignty in every Nation, to seize and punish foreigners, whether private individuals or military, who infringe the fiscal or police laws, or regulations of its country; and the Government of the United States cannot sustain the pretensions of its representative at this court, without establishing a principle, which all Governments will repel, and which would deprive the United States themselves, of a Sovereign right, of which they can never avail themselves, under similar circumstances.

—9—You will also impress upon the Secretary of State, that your predecessor deviated entirely from his instructions, and the orders received by him; expecting probably that the recall of Mess<sup>rs</sup> Wise and Rousseau, would be accompanied by expressions, denoting the disapproval by their Government, of the acts of discourtesy committed by them, towards His Imperial Majesty and His August family; and that it has been most painful to that August Personage, and to the whole Brazilian nation to see the Cabinet of Washington deciding the question after full knowledge of these acts of discourtesy, which it cannot approve, and of the famous speech of Mr. Wise on the occasion of the baptism of the daughter of an American soldier, already published in the newspapers of the United States, and which could not have been placed within the power of the press, except through a copy furnished by Wise himself, and by his consent; that under such circumstances I say, the Government of the United States should have approved the conduct of Mr. Wise, without any reservation, at the least with regard to these acts of discourtesy, which filled all the representatives of foreign nations at this Court, with indignation. The Imperial Government sincerely believes that the Government of the United States has not approved this proceeding, on the part of its representative, but it cannot conceive that the particular motives made known to your predecessor, should render it embarrassing to the Government of the United States, to manifest this, in a clear and decisive manner, as universally expected from its high character, and acquaintance with those rules of propriety and courtesy, which should ever be observed in the intercourse between friendly nations, and should thus lead this Government to repent, that it has shewn so much delicacy and good feeling, in this question, by always separating Mr. Wise from the Government and Nation of the United States.

—10—These instructions will serve for your guidance in performing the important task which has been committed to you; and you will not deviate from them in any respect: and when satisfaction shall have been given, in any of the ways above indicated, the Imperial Government will appoint a Minister of equal rank with Mr. Tod, to reside at Washington—

May God preserve you, Sir.

<sup>1</sup> Despatches, Brazil, vol. 16, enclosed with Wise to the Secretary of State, No. 64, below, this part, doc. 621. The letter from the President, mentioned in the first sentence, announced Wise's recall.

own self-respect, for the Undersigned to ask an audience of leave even, to present the original of this letter to H. M. the E. of B. in person. The repeated insults which the Imp<sup>l</sup> Gov<sup>t</sup> has offered to the *Minister of the U. States* at this court, for the alleged reason of acts *which have been fully approved and adopted by his Gov<sup>t</sup>*, compel him, after exhausting in vain every means of conciliation, to demand, peremptorily, passports for himself, family & effects.

The Undersigned renews [etc.].

## 619

*David Tod, United States Minister to Brazil, to Saturnino de Souza, Minister of Foreign Affairs of Brazil*<sup>1</sup>

B

RIO DE JANEIRO, August 18, 1847.

The undersigned has the honor to inform his Excellency, Saturnino de Souza e Oliveira, Minister and Secretary of State for Foreign Affairs, &c, &c, &c, of his appointment as Envoy Extraordinary and Minister Plenipotentiary from the United States of America to the Court of his Majesty, the Emperor of Brazil; and that, for the purpose of entering upon the discharge of the duties of the mission, he departed from New York near the close of the month of June, and arrived in this harbor a few days since, with his credentials.

The undersigned has been informed by his predecessor, the Hon. Henry A. Wise, that his Excellency, the Minister and Secretary of State for Foreign Affairs, declined to receive an official communication from him, of the date of the 12th of the present month,<sup>2</sup> containing the office copy of a letter from the President of the United States to his Majesty, the Emperor, both of which were returned by his Excellency to Mr. Wise, without explanation or comment.

In the absence of an explanation on the part of his Majesty's government, the undersigned informs his Excellency, the Minister and Secretary of State for Foreign Affairs, that he cannot request an audience for the purpose of presenting to his Majesty, the Emperor, his credentials as Envoy Extraordinary and Minister Plenipotentiary from the United States of America, unless further instructed by his government.

The undersigned [etc.].

<sup>1</sup> Despatches, Brazil, vol. 17, enclosed with Tod to the Secretary of State, No. 3, below, this part, doc. 622.

<sup>2</sup> Above, this part.

*Saturnino de Souza, Minister of Foreign Affairs of Brazil, to David Tod, United States Minister to Brazil*<sup>1</sup>

[TRANSLATION]

C. Confidential

RIO DE JANEIRO, August 19, 1847.

I have had the honor to receive the confidential communication addressed to me by Mr. David Tod,<sup>2</sup> informing me of his appointment as Envoy Extraordinary and Minister Plenipotentiary of the United States of America to His Majesty the Emperor, and that he left New York at the end of June to enter upon the duties of his mission, and arrived at this port a few days ago with his credential letter. In that communication, Mr. Tod adds that he had been informed by his predecessor, Mr. Henry A. Wise, that I would not receive a note which he addressed to me under date the 12th instant,<sup>3</sup> accompanied by an official copy of a letter from the President of the United States to His Majesty the Emperor, which, together with the copy referred to, I returned to him without explanation or comment; and that for want of this explanation on the part of the Government of His said Majesty he could not solicit an audience to present to him his Letter of Credence as Envoy Extraordinary and Minister Plenipotentiary of the United States of America, unless further instructed by his Government.

Seeing in this communication of Mr. Tod a proof of his regard and also of a desire to become accurately acquainted with my motives for sending the passport asked for by Mr. Wise and for returning unanswered, the note requesting it and the open copy of his letter of recall which accompanied that note, I do not hesitate in the least to declare to Mr. Tod, that if Mr. Wise had sent me with that copy the original letter of the President of the United States, I would have delivered it into the August hands of His Majesty in the customary manner, provided that on no account should that presentation, as was the case, be made in person by Mr. Wise, who in departing from this usual form, could adopt no other than one equally common, that of transmitting to his successor the original letter with its copy to be by him appropriately delivered. As Mr. Wise declared that he did not wish to seek an audience to present the original letter in person, and sent me a copy thereof, I did not know what he intended to do with the original, and it was irregular to receive one without the other. Mr. Wise's note was couched in terms so unusual and discourteous, that it did not deserve any remark or reply, and if Mr. Tod were to know what it was, I am certain that from his high and just character, he could not fail to approve of its rejection and return. As the Emperor's Ministers have always by their acts been careful to discriminate between the personal conduct of Mr. Wise and the acts of his government,

<sup>1</sup> Despatches, Brazil, vol. 17, enclosed with Tod to the Secretary of State, No. 3, below, this part, doc. 622.

<sup>2</sup> Dated, August 18, 1847, above, this part.

<sup>3</sup> Above, this part, doc. 618.

and have sought to avoid the least shadow of discourtesy either towards the President of the United States or towards the North American Government and Nation; so the Imperial Government had & has a complete right to require the same behaviour on the part of the United States authorities; and as Mr. Wise deviated from this proper line of conduct in a manner so uncommonly extravagant, no other course was left for me, compatible with the dignity of the Imperial Government, than the one which I adopted.

Availing myself of this opportunity [etc.].

## 621

*Henry A. Wise, Ex-United States Minister to Brazil, to James Buchanan, Secretary of State of the United States*<sup>1</sup>

[EXTRACT]

No. 64

RIO DE JANEIRO, August 26, 1847.

SIR: M<sup>r</sup> Tod arrived in the Ohio during the night of the 7<sup>th</sup> inst. The weather was bad the 8<sup>th</sup>, & on the morning of the 9<sup>th</sup> L<sup>t</sup> Brown called on me with the message from Captain Stringham that my successor was on board. I requested him to say to Capt<sup>n</sup> Stringham that I was happy to hear of M<sup>r</sup> Tod's arrival & would gladly receive him whenever it would suit his convenience to call at my house. The next morning of Tuesday the 10<sup>th</sup>, M<sup>r</sup> Tod and his Secretary, M<sup>r</sup> Morgan, & Cap<sup>tn</sup> Stringham, with L<sup>t</sup> Brown, called. They were received by M<sup>r</sup> Walsh & myself, & during the interview M<sup>r</sup> Consul Parks came in.

Upon inquiry from M<sup>r</sup> Tod as to the state of the mission, I entered fully upon the relations of the U. States Legation to this Court & upon the positions which I thought he & I both ought to occupy.<sup>2</sup> . . .

I am, Sir, [etc.].

<sup>1</sup> Despatches, Brazil, vol. 16.

<sup>2</sup> The omitted portion of this long despatch reviewed the Lieutenant Davis episode and its results, adding little to the information embodied in the several documents on the subject, above, this part, and told of Wise's efforts to prevail upon Tod not to ask an audience to present his credentials without awaiting further instructions. Copies of the following letters, exchanged between them on the subject, were enclosed with the despatch:

*David Tod, Esq., to Henry A. Wise, United States Minister to Brazil*

A

RIO DE JANEIRO, August 12, 1847.

DEAR SIR: Since our conferences of yesterday & the day before, I have given to the subject mature reflection, and have determined to ask an audience for the purpose of presenting my credentials to the Emperor; and with this view, will seek an interview with the Min: for F. Affairs at the earliest hour practicable.

I cannot reconcile the line of conduct you recommend with the letter & spirit of my instructions from the Dep<sup>t</sup> of State—particularly when those instructions are considered in connection with other documents emanating from the same high quarter.

I need scarcely add that to be constrained to differ in opinion with a gentleman of your great experience & distinguished ability is to me a source of unfeigned regret.

I have [etc.].

*David Tod, United States Minister to Brazil, to James Buchanan, Secretary of State of the United States*<sup>1</sup>

No. 3

RIO DE JANEIRO, August 31, 1847.

SIR: In my despatch of the 9th instant<sup>2</sup> I had the honor to inform you of my arrival in this port, on the night of the 7th, and of my intention, on the following day, to notify the Minister of Foreign Affairs of my presence, and to ask the customary audience with his Majesty, the Emperor.

On the morning of the 10th I visited the Hon. Henry A. Wise, and upon this occasion he declared his determination not to ask for an opportunity to deliver his letter of recall, and at the same time pressed upon me the propriety of not seeking an audience with the Emperor unless further instructed by my government; and he read to me portions of despatches to your department, in which he avowed his intention to recommend to me this course of policy.

On the following day Mr. Wise returned my call, when he again urged me to postpone action, alleging, at the same time, that in one hundred and twenty days I could certainly receive instructions from my government.

I could not but regard the state of the relations between the two governments, and the position of Mr. Wise with respect to that of Brazil, as sub-

*Henry A. Wise, United States Minister to Brazil, to David Tod, Esq.*

C

RIO DE JANEIRO, August 12, 1847.

DEAR SIR: I rec<sup>d</sup> your note of to-day, by M<sup>r</sup> Morgan, announcing your resolve to ask an audience of the Emperor of Brazil. I was happy at the opportunity of inducing M<sup>r</sup> Morgan not to deliver your credentials to the Min: for F. Affairs before I could relieve myself from the responsibilities of this mission. I have asked my passports in the note of which the inclosed is a copy. [For this note, see above, this part, doc. 618.—Ed.] And to show that I am not to bear hereafter, for all time, any part of the ignominy with which our country is menaced by your resolve to ask an audience, under the circumstances in which the Legation of the U. S. at this Court is placed, & of which you have been fully informed by me:—I solemnly protest against the request of my successor in the mission for an audience from the Em: of B., *until he receives further instructions from the Gov<sup>t</sup> of the U. S.*; for the reason that the Pres<sup>t</sup> U. S. having approved & assumed the responsibility of acts performed by me as *Minister of the U. S.*, the Em: of B. refused to receive communications from him through their Minister at this court, whom the Pres<sup>t</sup> had declined to recall at H. M.'s request, & suspended all relations between him & the Legation of the U. S., in consequence of those acts since the approval & adoption of them by the Pres<sup>t</sup>, thus inflicting a gross insult upon the Pres<sup>t</sup> & Gov<sup>t</sup> of the U. S.:—these facts not having been known at Wash<sup>n</sup> at the time the instructions of my successor were written & at the time of his departure from the U. States.

I have seen your "instructions from the Dep<sup>t</sup> of State," but I know not what "other documents emanating from the same high quarter," you allude to.

Whilst I feel compelled to take the present step, to protect my own reputation & conduct from censure, I beg you, Sir, to understand that I impugn not the *motive* but the *act* upon which you have resolved.

With the utmost kindness, personally [etc.].

<sup>1</sup> Despatches, Brazil, vol. 17.

<sup>2</sup> Not included in this publication since it contained little pertinent information, other than the announcement of his arrival, here repeated. He also expressed an opinion that it would be desirable to have the steamship "Ohio", instead of a smaller vessel, remain in Brazilian waters.



stantially the same as they were known to be in Washington at the date of my instructions. But out of deference to Mr. Wise's opinions, I did not seek an audience at the time originally contemplated. After mature deliberation, however, my judgment remained unchanged, and by note of the 12th (which is herewith enclosed, marked A,<sup>1</sup>) I informed him of my determination. At the time of the delivery of this letter by the Secretary of Legation, Mr. Wise asked him to defer delivering my note (then in the Secretary's possession,) to the Minister of Foreign Affairs until he could demand his passports, and reply to my communication addressed to himself. With this request, Mr. Morgan complied. On the same day Mr. Wise answered my note,<sup>2</sup> and on the following evening a packet was placed in my hands, the seal being broken, and the envelope addressed to Mr. Wise, and indorsed "From the Secretary of State for Foreign Affairs." This envelope contained the office copy of the President's letter to the Emperor, announcing Mr. Wise's recall, Mr. W's note to the Secretary of Foreign Affairs, enclosing this copy and demanding his passports, and the passports so requested. On the 13th Mr. Wise informed me that he had received this packet from the Foreign Office, unaccompanied by a syllable of explanation or comment.

The copy of the President's letter having been returned with the note of Mr. Wise, it might admit of doubt as to which one exception was taken, if not to both. I therefore determined to furnish the Minister of Foreign Affairs an opportunity to explain the proceeding, and resolved, if an explanation was not made, or if given, did not disclaim all intention on the part of the Imperial Government to treat with disrespect the President and Government of the United States, that I would not ask an audience to deliver my credentials to the Emperor.

On the 18th I addressed a note to the Minister and Secretary of State for Foreign Affairs, (a copy of which is herewith, marked B,<sup>3</sup>) and on the following day received an answer, (which is also herewith, marked C.<sup>4</sup>) The Minister's reply is indorsed "confidential," and speaks of my note to him as also "confidential," although it was not so marked, and of course not so intended; neither could I regard the answer in any other light than as a public document. It will be seen the Minister declares that, had Mr. Wise enclosed to him the original letter of the President, it would have been placed in the hands of the Emperor; but, not knowing what disposition Mr. W. intended to make of the original, it would have been irregular to receive the copy; and that "Mr. Wise's note was couched in terms so insolent and discourteous that it did not merit any observation or answer,"; and the Minister further remarks that "the Ministers of the Empire have ever been careful in making a distinction between the personal acts of Mr. Wise and those of his government, and wished to avoid even any appearance of discourtesy either towards

<sup>1</sup> Above, this part, doc. 621, note 2, p. 400.

<sup>3</sup> Above, this part, doc. 619.

<sup>2</sup> Above, this part, doc. 621, note 2, p. 400.

<sup>4</sup> Above, this part, doc. 620.

the President of the United States or towards the government and North American Nation."

The Minister of Foreign Affairs having thus placed his action upon grounds of objection to the conduct of Mr. Wise personally, and having disclaimed all intention on the part of his Majesty's government to treat with disrespect the President or government of the United States, upon the occasion referred to, or upon any other, I addressed him a note on the 20th (herewith, marked D,<sup>1</sup>) soliciting an interview for the purpose of arranging the preliminaries incident to the Presentation of my credentials to the Emperor. The Minister's answer will be found marked E.<sup>2</sup> On the 23rd I held the interview, and was informed that my audience would take place on Saturday, the 28th, at 6 P.M., and at that time I was presented to his Majesty with the usual ceremonies. My address upon the occasion, and the Emperor's reply, will be found herewith the former marked F, and the latter G.<sup>3</sup>

I am most happy to add that, notwithstanding the difference of opinion between us as to the propriety of my course, I have received from Mr. Wise marks of great personal kindness, for which I take pleasure in thus expressing a sense of my obligations.

<sup>1</sup> Not included in this publication.

<sup>2</sup> Not included in this publication.

<sup>3</sup> Although, for reasons explained in the preface to the first volume, they do not strictly come within the scope of this publication, the texts of these two addresses follow, since, in his despatch, Tod alluded to his predecessor's difficulties, without there having been any pressing necessity for his doing so, and in spite of his being mildly reproved, later, by the Secretary of State, nominally speaking for the President, for having done so [See Buchanan to Tod, No. 7, dated, November 22, 1847, above, pt. III, doc. 475]:

F

SIR: The letter I am about to present to your Majesty is from his Excellency, the President of the United States, and contains the evidence of my appointment as Envoy Extraordinary and Minister Plenipotentiary from that government to the Imperial Court of Brazil.

His Excellency assures your Majesty of his desire to cultivate the most friendly and liberal intercourse between the two governments. In expressing this wish, the President reflects the sentiments of the people whose chief executive officer he has the honor to be; and an omission, upon my part, to endeavor to promote this amicable disposition, would be to prove no less false to myself than treacherous to my country.

I am not unmindful that my duties are commenced at an unpropitious period. My immediate predecessor encountered difficulties, unpleasant to himself, and unfortunate to both countries. I am gratified to know, however, that those difficulties have not disturbed the mutual friendship and respect so long and so happily existing between the respective governments; and, resolved to pursue a course alike honorable to each, I indulge the belief that the duties of the mission will be discharged in a manner not only satisfactory to my own government, but agreeable to that of your Majesty.

Suffer me, in conclusion, to express my best wishes for the health and happiness of your Majesty and of the royal family.

G

I receive with pleasure the credentials which you present me in the name of my good friend, the President of the United States. They prove that the same friendship and understanding subsist between my government and that of your country, of which I believe that you are the true interpreter—removing the personal difficulties in which your immediate predecessor involved himself.

I will be pleased to learn whether my action in the premises meets with your approval.<sup>1</sup>

I have the honor [etc.].

## 623

*David Tod, United States Minister to Brazil, to James Buchanan, Secretary of State of the United States*<sup>2</sup>

No. 6

RIO DE JANEIRO, *September 18, 1847.*

SIR: An opportunity to write, rather than any thing special to communicate, induces me to trouble you at this time.

Since my presentation but little else than celebrations and parades have occupied the attention of the Emperor, his Cabinet and the Diplomatic Corps. On the 4th, the anniversary of the Imperial marriage was celebrated; on the 7th, the anniversary of the National Independence of Brazil, and on that day was also the ceremony of the baptism of the Infant Princess, Leopoldina. The celebration of the anniversary of their Independence continued for nearly a week. On the 13th, a grand Imperial ball was given, and to-day the General Legislative Assembly was adjourned by the Emperor. To witness, or participate in, all of these ceremonies I was invited, and with pleasure attended.

At the ball H. M. had the pleasure of dancing with Mrs. Tod, and I also had the pleasure of dancing with the Empress.

Thus far I have every reason to be gratified with the attention and kindness shown me by the Emperor and his Cabinet, and I flatter myself that I am now well prepared to enter upon the important duties of my mission, an opportunity for which has been promised me at an early day.

It affords me pleasure to inform you that I find Maj. Morgan, all I had expected and hoped to, at the time I asked his appointment. His sound judgment, united with his industry and energy, will relieve me greatly in the discharge of my duties. With the little time he has had, his attention to study has enabled him now with but little difficulty to read and translate the language of this country, and a few months more will make him master of it. His manners are such that he is already a favorite with all with whom he has had any intercourse.

I hope to get along without in any manner alluding to the difficulties that have heretofore existed, under the administration of Mr. Wise. Indeed, I hope that even in my correspondence with yourself, it may not be necessary to refer to them. True, I am desirous that the President and yourself approve the course I have taken, but I am not so anxious as to induce me to

<sup>1</sup> See above, pt. III, doc. 475, the instruction of November 22, 1847.

<sup>2</sup> Despatches, Brazil, vol. 17.

argue the point, when I know that you are far more capable than I am of canvassing the matter.

The difference between Mr. Wise and myself, however, as to the course proper for me to pursue, is so wide, and the consequence so great, to our government as well as ourselves, that I ask you, again, to give us your opinion, fully and frankly. If the course recommended by Mr. Wise for the Government as well as myself to pursue, be the proper one, I have departed so far from it, that I should immediately be called home. Believe me, when I assure you, that it will be far more agreeable to my feelings to retire from the honorable position the President tendered me, to my quiet home, than to remain one hour after I have, in his opinion, compromised either his honor or that of our government.

I have the honor [etc.].

## 624

*David Tod, United States Minister to Brazil, to James Buchanan, Secretary of State of the United States*<sup>1</sup>

[EXTRACT]

No. 10

RIO DE JANEIRO, *October 12, 1847.*

SIR: Your despatch No. 3,<sup>2</sup> enclosing a letter from the President to the Emperor, was delivered to me by Mr. Gazzam on the 30th ultimo.

On the first instant, by note I informed the Minister of Foreign Affairs of the reception of this letter, and desired him to name a time for me to present the same to his Majesty, to which he replied on the 2nd instant, fixing upon that day. Copies of those notes, marked A & B, are enclosed.<sup>3</sup>

Accompanied by Maj. Morgan, I visited the Palace at the hour named, when I in due form presented the latter.

I have held much conversation with those in power here in relation to Mr. Lisboa. He has many warm friends, and will be kindly received and treated on his return home. I have urged that he be sent back to our Government, but I fear this will not be done. He will, however, soon be sent abroad to some court, and thus the stigma resting upon him, from the manner of his recall from the United States, wiped out. My interference in his behalf has, I flatter myself, upon all occasions been well timed and discreetly managed, and therefore, I hope, beneficial to him.

My interviews with the Minister for Foreign Affairs are frequent, and uniformly pleasant and agreeable. He is overwhelmed with business, and, although a very industrious man, is so often interrupted that great patience and forbearance must be extended to him. We have had several meetings in

<sup>1</sup> Despatches, Brazil, vol. 17.

<sup>2</sup> Dated, July 24, 1847, above, pt. III, doc. 468.

<sup>3</sup> Neither of these has been copied since neither one comes, properly, within the scope of this publication.

relation to our claims. Upon all occasions he assures me that Brazil is not only willing, but anxious, to pay every dollar of just claims against her.

I have the honor [etc.].

## 625

*Felippe José P. Leal, Brazilian Chargé d'Affaires ad interim at Washington, to James Buchanan, Secretary of State of the United States*<sup>1</sup>

WASHINGTON, October 21, 1847.

M<sup>r</sup> Leal presents his compliments to M<sup>r</sup> Buchanan, and has the honor to send to His Excellency, herewith inclosed, the copy,<sup>2</sup> which he promised to His Excellency yesterday.

## 626

*Sergio T. de Macedo, Brazilian Minister to the United States, to John M. Clayton, Secretary of State of the United States*<sup>3</sup>

WASHINGTON, April 10, 1849.

SIR: I have had the honour to receive the note,<sup>4</sup> in which you were pleased to present, a summary of the reasons given to me verbally by yourself, for

<sup>1</sup> Notes from Brazil, vol. 2.

<sup>2</sup> The document, enclosed with this brief note, was the following instruction to the Brazilian chargé d'affaires from his government:

*Saturnino de Souza, Minister of Foreign Affairs of Brazil, to Felippe José P. Leal, Brazilian Chargé d'Affaires ad interim at Washington*

[TRANSLATION]

RIO DE JANEIRO, August 30, 1847.

In addition to my despatches of the 13th and 24th instant, of the confidential series, I have to inform you that on the 28th instant the presentation of Mr. Tod to His Majesty the Emperor took place; I have already sent you a copy of his address and I now enclose one of His Majesty's reply, which was in English, from deference to Mr. Tod, who does not understand either Portuguese or French: after the presentation, Mr. Tod was again received by His Majesty, to whom he presented the Commander of the Ship Ohio and various other officers of the American Navy, as well as his Secretary, all of whom His Majesty received with his usual affability and kindness; Mr. Tod and the Commander of the ship Ohio afterwards had the honor of being admitted into the presence of Her Majesty the Empress, who extended to them the same kind reception.

His Majesty the Emperor is satisfied with Mr. Tod, and the Imperial Government having preserved her dignity entire with respect to Mr. Wise, he commands that the personal acts of the latter and of Commodore Rousseau may pass into oblivion, seeing that the address of Mr. Tod offers an assurance that they shall not be repeated. You will hasten to communicate this to Mr. Buchanan, informing him that an Envoy Extraordinary and Minister Plenipotentiary will shortly be appointed to that country, and you will not fail, above all, to demand, as you were directed by my instructions of the 31st May, last, [Above, this part, footnote 2, doc. 617, p. 390.—Ed.] in regard to the conduct of Lieutenant Davis, and our right under the circumstances to seize the two drunken and disorderly sailors, as was abundantly shown to you by the same instructions.

God preserve Your worship.

<sup>3</sup> Notes from Brazil, vol. 3.

<sup>4</sup> Evidently, the one dated, April 11, 1849, above, pt. III, doc. 476. It is probable that the two notes were prepared in collaboration between the Minister and the Secretary, each hav-

abstaining from a renewal of the discussions, which had been carried on with your predecessor, on the subject of the consequences of the imprisonment of Lieutenant Davis, and the three seamen of the Sloop of War *Saratoga*.<sup>1</sup>

In the report which I have made to my Government of what I already said to you, in our conferences, I did not omit to show, that you had exhibited a true deference for the Emperor and for the Brazilians, and a very sincere desire, to testify towards them, the benevolent and amicable dispositions of General Taylor, the actual President of this Republic.

Since the rights are acknowledged, and the circumstances are already of so old a date, that they must have been forgotten, now whilst events are marching on so rapidly—since the person whose conduct so deeply wounded the just susceptibility of the Brazilians, has withdrawn from the political scene, and opportunities have been afforded, for the display of the sentiments of this great nation, and of its present representative in Brazil, in the manner which the Brazilians had a right, in fair reciprocity to expect, I have no doubt that the Imperial Government will be happy to see, in the declarations of Your Excellency, an honourable means for dismissing these disagreeable circumstances, to oblivion.

For my own part, I regard it in this light, and I express to my Government this opinion, which is likewise an ardent wish.

Accept M<sup>r</sup> Secretary of State [etc.].

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ing seen and agreed to accept the other's before signing his own. It seems strange that they were not made to bear the same date. It must have been at least an oversight that the acknowledgment was given a date later than that of the communication acknowledged. There are indications that this settlement of the unpleasant affair followed several fruitless attempts. The Brazilian minister's note of April 10 is the first signed note in the volume; but prior to it, are translations of three other documents whose originals were probably shown in advance, unsigned, and proved unacceptable, and which therefore, were never formally presented. The first, headed "Memorial from the Brazilian Legation, received on the 21st of March 1849," covering fourteen pages, reviewed the incident in moderate language but assumed that the Brazilian police and Foreign Office were entirely right and that Wise had been entirely wrong, and formulated six statements to be made by the Secretary of State which would have admitted as much. The second, headed "First proposition, mentioned in the letter from the Chevalier de Macedo to the Hon. J. M. Clayton for terminating the Wise affair," covering four pages, modulated the tone materially. The third entitled "Second proposition" covering three pages, approached, in some features, the ideas embodied in the signed notes, dated April 10 and 11.

<sup>1</sup> In the translation from which this was copied, apparently produced contemporaneously, this name is doubtless due to mere inadvertence, clearly "Lexington"; but in the signed original, French instead of Portuguese, the name is as clearly "Saratoga", the correct name of the vessel, as appears in many other pertinent documents.

627

*David Tod, United States Minister to Brazil, to John M. Clayton, Secretary of State of the United States*<sup>1</sup>

[EXTRACT]

No. 45

RIO DE JANEIRO, *October 17, 1849.*

SIR: . . . A correspondence recently took place between Gen. Guido, Argentine Minister, and the Visconde de Olinda, touching the war pending between Buenos Ayres and Paraguay. The former demanded explicit information as to the policy the Imperial Government intended to pursue towards the contending powers, intimating, at the same time, that if he did not receive a satisfactory answer, he was instructed to demand his passports. The Visconde de Olinda replied by assuring Gen. Guido that Brazil is resolved to pursue a line of strict neutrality. Again, when the late change took place in the Foreign Office, the Buenos Ayrean Minister addressed its present head to obtain a renewal of that assurance, and it is considered quite certain that it will be given.

Whilst Brazil thus officially assures Buenos Ayres of its neutrality, there can be no doubt that the Imperial Government will render Paraguay every assistance that may be compatible with the preservation of amicable relations with Rosas. It is said that a Chargé d'Affaires has been sent from this country to Paraguay out of regard to his high order of military talent and acquirement. Brazil fears the Argentine Dictator; but it would be madness on the part of Rosas to go to war with the Empire, so long as the river question remains unsettled, and Paraguay preserves the hostile relation she now occupies.

I have the honor [etc.].

628

*David Tod, United States Minister to Brazil, to John M. Clayton, Secretary of State of the United States*<sup>2</sup>

[EXTRACT]

No. 49

RIO DE JANEIRO, *December 17, 1849.*

SIR: . . . You will find herewith the copy of a note from Thomas M<sup>c</sup>Guire, Esq., United States Consul, at Rio Grande,<sup>3</sup> alluding to certain outrages

<sup>1</sup> Despatches, Brazil, vol. 17.

The omitted portion, at the beginning, relates to the slave trade.

<sup>2</sup> Despatches, Brazil, vol. 17.

<sup>3</sup> Consul M<sup>c</sup>Guire's letter to Minister Tod, here referred to, follows:

*Thomas McGuire, United States Consul at Rio Grande do Sul to David Tod, United States Minister to Brazil*

RIO GRANDE DO SUL, *December 5, 1849.*

SIR: After my despatch of yesterday was closed, information has reached here confirming the report received some days since of serious disturbances having taken

committed upon the Southern frontier of the Empire, and expressing a wish that an American man of war may occasionally make its appearance in that vicinity. A copy of Mr. M<sup>c</sup>Guire's communication has been transmitted to Captain Cooke, of the U. S. S. St. Louis, who was in command upon this station at the time of its reception.

I have heretofore alluded to the importance of keeping at least one small man of war steamer upon this station. Small vessels are infinitely preferable here to large ones—putting expense entirely out of the question. A majority of the Brazilian ports cannot be safely entered except by vessels of the smaller class, and the harbor of Rio Grande is among the number.

The difficulties in the South have been but barely alluded to in the papers of the Capital, and seem to have created no sensation. Most persons, however, regard a war between Buenos Ayres and Brazil, as sooner or later inevitable. The time has not yet come, and may not for years arrive.

I have the honor [etc.].

## 629

*David Tod, United States Minister to Brazil, to Daniel Webster, Secretary of State of the United States*<sup>1</sup>

[EXTRACT]

No. 64

RIO DE JANEIRO, *September 17, 1850.*

SIR: . . . The relations between the Imperial Government and that of Buenos Ayres and Montevideo, are by no means pacific or friendly— All look for an open rupture at an early day— The immediate cause of hostilities arises from an attack made some time since by a large force from the Province of Rio Grande organized and commanded by Baron [Barão] Iagoa-

place on the frontiers. It appears that a party from the other side came into this province, robbed and killed a number of the inhabitants, not even excepting women and children. It appears to be the settled intention of the leading Brazilians on the frontiers to involve this country in a war with Rosas—failing in this, to commence it on their own account; for if the reports which have reached here can be relied on, the attack from the other side was intentionally provoked.

I have long desired to see one of our men of war in this port, to convince the authorities that there is such a thing. The signs of the times now indicate that it is particularly necessary. The amount of American property which would be exposed in case of insurrection or invasion is considerable, and I will venture the assertion that there is no other port in South America frequented by half the number of American vessels, which is not visited by vessels of the United States Navy. Under these circumstances, I have deemed it my duty to make known to you the situation of affairs here, having also been requested to do so by the principal house here engaged in the United States trade for the purpose of inducing you to request the Commodore of the Squadron stationed at Rio de Janeiro to send a vessel here, drawing not more than 12 feet. There is a steamer stationed at the bar which will come out to tow vessels in when signalized.

I have the honor [etc.].

<sup>1</sup> Despatches, Brazil, vol. 18.

The omitted portion refers with expressions of sorrow to the death of the President, and, also, discusses the slave trade.



rão a Brazilian Nobleman— This army marched into the Territory of Banda Oriental where they committed sundry hostile acts— The Baron afterwards repaired to this City, where he was kindly received by the Emperor and others high in authority. While here President Rosas instructed his Minister at this Court, (Gen<sup>l</sup> Guido) to demand his arrest and trial, and in the event of the demand being refused, to ask his Passports and return home— The demand has been made, and after much deliberation (and I am told some equivocation) has been refused— Gen<sup>l</sup> Guido has not as yet demanded his Passports, but will soon do so. He has already secured a passage for his Family home—

In the mean time the Imperial Government are evidently preparing for war— They have recently passed a law allowing the Commander in chief of the Army to accept the services of foreigners— It is supposed that under this law, a large force will be offered and accepted from Paraguay—

The Government are also sending a large force from this City to the South—

In connection with this subject I send you herewith (marked A) the translation of an article from the leading News Paper of this City, giving the latest intelligence we have from the River—<sup>1</sup>

<sup>1</sup> The enclosed newspaper article follows:

FROM THE "JORNAL DO COMMERCIO"—RIO DE JANEIRO

By the steamer "Imperatriz" arrived yesterday, we received papers from Rio Grande & Porto Alegre, from Paraguay, from Montevideo & Buenos Ayres—

The Public attention in the Province of São Pedro do Sul was exclusively occupied with the state of the relations between Brazil & Buenos Ayres & with the views attributed to Gen<sup>l</sup> Rosas—

The Diario do Rio Grande of the 3<sup>d</sup> inst copied the following article— "They write from Jaguarão under date Aug 28<sup>th</sup> much has been said here about "republic," it is said that there is a plan to proclaim that Government in the Province on the 20<sup>th</sup> September— Now, compare this with the disposition that is every where apparent that the Gov<sup>t</sup> declare war with the neighbouring State; and the best of it is, that it is reported that the revolt is led on & protected by Orientals— From all this I collect that these reports are brought from the other side, & spread purposely to place the Gov<sup>t</sup> in a state of perplexity, & endeavour by that means to obtain the satisfaction they have so frequently demanded— This is what appears to me most probable, meantime nothing else is talked about—

Another letter of the 29<sup>th</sup> contains the following—

"Here reports of a revolt are flying about, which it is said will take place on the 7<sup>th</sup> or 20<sup>th</sup> Sept. led on by Oriental forces— It is true that invitations to join it are sent to the frontier, which, with many other reports, makes it evident, that it is a plan of our neighbours. What they have in view is, to throw consternation amongst the people, and create embarrassments to the Gov<sup>t</sup>— I am informed that from the other side some small numbers of *Emigrants* have passed, slightly [slyly?]<sup>2</sup>— It behoves that the authorities either order them to leave our territory, or bring them together where they can be more closely watched—

As our readers will observe the reports of an early rebellion gain ground—reports raised by the Agents of Rosas & Oribe, & spread purposely through the populace of the frontier and thro' the Country—

We have already said, & we shall not cease to repeat it, that it is useless for the enemies of the Empire to have recourse to such measures—

All the Rio Grandites, all the Brazilians, even the Foreigners resident in the Province, excepting those enslaved to the despotism and inquisitorial turmoils of Rosas & Oribe— All unite in one Vote, all have one thought—to realize the moment that the Gov<sup>t</sup> of the

I regret this state of things deeply, for aside from the loss to the two Powers, and to the world at large that will flow from hostilities—Our Commercial interests which are now so extensive cannot fail to suffer greatly—

With the hope to assist in an amicable adjustment of the difficulty between the two Governments, I have on many occasions advised with both Gen<sup>l</sup> Guido and the Minister for Foreign Affairs, but I regret to say without any success.

A War in my opinion is inevitable— We should at once prepare to protect our Commerce in these Waters. For this purpose an additional Naval force should be sent here—. . .

Respectfully [etc.].

Country may be disposed to vindicate the insults that have been thrown on the sovereignty and national honor—

The reports however, which Rosas & Oribe contemplate in their madness as advantageous in their present critical position, are a further proof of the divine protection to the sacred Cause of the Empire & humanity—

These reports serve to convince the Gov<sup>t</sup> & the authorities that it is necessary to be most actively vigilant, that the greatest energy, & the most unceasing solicitude should be exerted to thwart the plans of the enemy—

This thronging of *Emigrants*, which by degrees are coming into our Territory, the characters with which the Agents of Rosas & Oribe are vested, the activity which prevails in their relations with the frontier, & from one point of the Province to the other, all claim of the Gov<sup>t</sup> & the authorities the most effective measures to fix the public confidence and insure the fate of the Empire—

We notice in the columns of the “Diario” an act of the Presidency which contains very proper means of neutralizing the plans of the Enemies of the Country, If the orders of M<sup>r</sup> Pimento Bueno designated in this document are religiously observed, much will be gained towards the glorious desire of maintaining unspotted, the honor & national sovereignty—

Perhaps it would have been convenient to declare the names of our worthy Countrymen whom Rosas & Oribe depend on as the docile instrument of his republican plans— But, if on the one hand it would call forth a blot on their nationality and their patriotism, and blighten even more the noble indignation with which they are penetrated towards the barbarous Vandals of the lives & property of the Brazilians, on the other, it would be a slur heaped upon those proud Rio Grandites, whose names should only be associated with glorious enterprises, and never blemished with the black spark of calumny, tho such might be the result, if mention were made of their names—

We lament that the Empire has been drawn by the Foreigner to the extremities of War, we grieve already at the generous blood that will have to flow where the glory of the Country will be vindicated—but we with the more confidence foresee, the assigned Victory of the National arms, being convinced that among the most brave of our brave will be most prominent there, very Brazilians whom Rosas & Oribe attempt to render suspicious of high treason in the eyes of the Country—

The rupture is not distant—sooner or later Rosas & Oribe will be convinced that they must give to the Empire the satisfaction we demand; and they cannot any longer look forward for the satisfaction they claim, with the haughtiness of the despotic Commander; all this will echo in the Province the alarm of war.

Let us therefore be prepared for it, and let each of us be a most faithful, therefore the most courageous soldier.

In view of this resolution, and having in consideration the inexhaustible means of the Empire, We have naught to fear, “Victory will be our own”—. . .

Palace of the Gov<sup>t</sup> at Porto Alegre.

Aug 17. 1850.

(Signed) José Antonio Pimento Bueno—

## 630

*Sergio T. de Macedo, Brazilian Minister to the United States, to Daniel Webster, Secretary of State of the United States*<sup>1</sup>

[TRANSLATION]

WASHINGTON, May 12, 1851.

The Undersigned, a member of the Council of His Majesty the Emperor of Brazil,—His Envoy Extraordinary and Minister Plenipotentiary near the United States, has had the honor to receive the note of the most Excellent Daniel Webster, dated the 7<sup>th</sup> inst.,<sup>2</sup> together with an official communication, addressed to His Excellency, by the Secretary of the Navy.

The object of both these documents, is the navigation of the Amazon River, which the government of the United States wishes to see free to all flags. In order to effect this purpose, the Secretary of the Navy suggests the idea of opening negotiations with the Imperial Government, or with its Minister at this Capital, and the Secretary of State begs that the Undersigned will, during the visit, he is about to make to his Court, call the attention of his government to the subject, and explain to the department, now under the charge of His Excellency, the views of the government aforesaid.

The Undersigned would have confined himself to simply replying to His Excellency, that he will, with pleasure, comply with his request, if he had not thought it his duty, from this moment, to offer a few remarks, which, certain expressions contained in His Excellency's note, and in that of his estimable colleague of the Navy Department, have rendered necessary.

The policy of the Brazilian Government in regard to matters of trade, as well as in all other things, is based upon the most liberal principles. Without admitting any question, as to its exclusive right to regulate the entrance of flags belonging to the border powers (Powers bounded by the River) into the waters of those common rivers, that are to be found within the limits of Brazilian territory, the Imperial Government was the first to think of rendering that navigation free to them. The political condition of those Republics, has been the only obstacle, which has prevented the consummation of those preliminary arrangements, that are necessary to guarantee the safety of the Empire, and the financial interest of the country, which also include industrial, and agricultural interests.

But to ask that other powers, which are not bounded by Brazilian waters, shall be admitted to navigate a river, which runs to the extent of more than fifteen hundred miles, within the territory of the Empire, is entirely a new pretension, and without precedent, either in the United States or in the British possessions; although both these countries, in regard to commerce and navigation, are governed by the most liberal principles, and might grant such privileges without risk, on account of their great progress in the art of navigation, and their maritime power.

<sup>1</sup> Notes from Brazil, vol. 3.

<sup>2</sup> Above, pt. III, doc. 478.

His Excellency will perceive, therefore, that it is only after a great deal of study, and considerations of various kinds, that the Imperial Government of Brazil can be able to arrive at any decision in a matter like this, a decision, which, if it should happen to be precipitate and false, might embarrass the development of its commercial resources, and impede its internal navigation.

The Secretary of the Navy alludes to the fact, of the Undersigned having given, at the request of His Excellency, and, in the hope of meriting the approbation of his own government, passports and letters of recommendation to two officers of the American Navy, to enable them to go down the river Amazon as far as its mouth, their object being, as his Excellency stated "to gratify a liberal curiosity and extend the limits of geographical knowledge in which Brazil and all other civilized States have a common interest."

The Undersigned must beg leave to observe, that his action, on that occasion, was not prompted by any [any?] instructions from his government, but by his knowledge of the fact, that every foreigner is free to travel through the territory and on the waters of the Empire, and that the expedition of those officers of the American Navy, would have proved agreeable to the Imperial Government, whose object, is, to protect and encourage in every way, geographical and statistical studies, and every other means of enlarging the sphere of human knowledge. The aforesaid act of the undersigned, therefore, cannot be considered, either, as the beginning of any arrangement, nor as indicating a desire on the part of the Brazilian Government, to enter into such an arrangement.

The immense region of country which is watered by the river Amazon, contains, at this day, a population of 204,600 inhabitants, 35,000 of which are slaves, without counting the Indians, and those who reside in small villages. The products, along the borders of the river, and of its tributaries, are taken to the City of Belem do Pará, in canoes and boats of different sizes, which amount to a considerable number, and which have hitherto sufficed for the immense trade carried on in that city. Since the disturbances, which afflicted the Province of Para, during the minority of the Emperor, have ceased, that province has made considerable progress in the development of wealth, industry, commerce and population, and has attracted the notice of the Imperial Government, to such a degree, that the Emperor lately sanctioned a law, dividing said Province into two, and thereby creating a new government, and a new provincial legislative assembly on the left border of the river. A project for the introduction of steamboats on said river, is on the eve of being carried into effect.

All projects therefore, tending to the aggrandizement of that portion of the Empire, would meet with the best disposition, on the part of the Imperial Government, to favor and adopt the same, if motives of interest and general safety did not militate against them. The Secretary of State has always taken care, both verbally and in his notes, to assure the undersigned,—and

the same assurances were given by the Secretary of the Navy—that the government, of which they form so brilliant a part, had no selfish nor sinister object in view, and that it took particular care not to interfere with the just rights of other States. Nothing has been said or done, on the part of the Undersigned, or of his government, that could induce their Excellencies to believe, that the former entertain the least suspicion, in regard to the principles of justice and sincere and perfect friendship, which govern the United States in their relations with Brazil. The Undersigned, can, on the contrary, assure his Excellency that his government is entirely satisfied on this head, and that it has not the slightest fear of seeing its rights called into question.

The suggestion of His Excellency, as to opening the navigation of the Amazon River to foreigners, will be received, as the Undersigned firmly believes, without mistrust, and both the advantages and disadvantages which may accrue to the Empire, in consequence of such act, will be carefully examined. If any consideration, apart from this, should sway the Imperial government, in its decision, it will certainly be in the opinion of the Undersigned the idea, that the United States, more than any other power, are in a condition to derive advantage from this new system.

The Undersigned, avails himself of this occasion, [etc.].

## 631

*David Tod, United States Minister to Brazil, to Daniel Webster, Secretary of State of the United States*<sup>1</sup>

No. 89

RIO DE JANEIRO, June 7, 1851.

SIR: The "Journal [Jornal] do Commercio" of this morning contains late and highly interesting information from the River, a translation of which I send you.<sup>2</sup>

From the want of time to revise and copy I am compelled to send you the first rough draft of the translation.

Had those opposed to Gen<sup>l</sup> Rosas a common head able to conduct and command them and had they a common object for which to fight they would unquestionably be able to overthrow him, without this however which I think will prove to be the case the result is extremely doubtful—

In great haste [etc.].

<sup>1</sup> Despatches, Brazil, vol. 18.

<sup>2</sup> The translation from the newspaper, covering nine handwritten pages, tells of the beginning of Urquiza's revolution against Rosas in Argentina, quoting a manifesto. The following two opening paragraphs only, are quoted:

"JORNAL DO COMMERCIO"

June 5, 1851.

On the 20<sup>th</sup> ult<sup>o</sup> when we referred to the news brot from Montevideo by the "Gol-fonho", we wrote— "It is beyond a doubt that we are on the eve of great occurrences

*Robert C. Schenck, United States Minister to Brazil, to Daniel Webster, Secretary of State of the United States*<sup>1</sup>

[EXTRACT]

No. 9

RIO DE JANEIRO, *September 25, 1851.*

SIR: . . . The Brazilian Government, having thought proper to avail itself of the opportunity afforded by the return of M<sup>r</sup> Tod, to make him its confidential agent, for communicating in this direct way, and verbally only with you, I am, of course, not prepared to advise or inform you so well as to its designs or desires connected with the movements in the South. Propositions, however, will, I suspect, be made, to induce the Government of the United States, to unite in a recognition of the independence of the several countries bordering on the River Plate—including, probably, Uruguay, Paraguay, Corrientes and Entre Rios—thus indirectly helping to sustain them, as Brazil does by direct alliance and assistance, in their present attitude of hostility to Buenos Ayres, and the President Rosas. The most recent intelligence from that quarter, makes it altogether probable that even Rosas himself may soon be compelled to compromise and admit the claims of those states and provinces to a separate and independent nationality. The interest and object of Brazil, will be to encourage a union of the states lying North of the Paraná and Paraguay, and to secure, in conjunction with them, a free navigation of those rivers, and of the Uruguay. This is essentially necessary to her, for the trade and prosperity of her own upper provinces, for whose benefit she has long desired such an outlet to the Ocean—The United States, she can readily understand, seeking through the enterprise of our citizens, for the benefits of commerce everywhere, will be desirous to unite with her, in any just scheme for securing access to the countries in question, and into the interior. A guaranty of that free navigation of the rivers, may therefore be suggested as a condition upon which we should offer, on our part, a recognition of the independence of those several states, or of their existence as a confederation.

I do not underrate the importance of the opportunity which may thus be

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which will entirely change the aspect of the affairs of the River Plate.” These occurrences which we foresaw, and which but few could but foresee, have been realized in a most extraordinary manner.

The Genl Governor of Entre Rios D<sup>o</sup> Justo José de Urquiza, has hailed the cry of the regeneration of the Republics of the Plate, has hoisted the flag of revolution against the illegal bloody and dictating Governor of Buenos Ayres— And that cry has echoed on both margins of the Plate, and that flag was saluted with the most enthusiastic jubilee by the ill-treated and oppressed populations— At Paraguay, in Corrientes, and even in the very encampment of Oribe, the cause of liberty and of National organization, at which head the active General of Entre Rios has placed himself, was exciting the most energetic emotions, and encountered the most decided adhesion—

<sup>1</sup> Despatches, Brazil, vol. 19.

The omitted portions deal with minor matters concerning the legation, etc.

afforded for accomplishing so desirable an object as the opening of the navigation of the La Plata, and of its great confluent, the Uruguay, Paraguay and Paraná. But I beg leave to advise that we be in no haste to unite with Brazil in securing an arrangement so invaluable to her, without endeavoring to connect with it another great interest. You will at once understand that I allude to the free navigation of the Amazon, and its large affluent, the Madeira river. It was not necessary that I should hint at the connection of these two interests. I presume they will at once occur to your mind together, as they do to mine. But Brazil is so jealous of any negotiation that we may propose, looking to the latter object, that it seems to me, to be our decided policy to insist, for the present at least, upon such an arrangement only, as will cover the whole ground. Let her understand that our acting in conjunction with her, to obtain the opening up of a free navigation and trade on the rivers of her Southern border, will be dependent on her liberality in allowing to our citizens, or to the world, the same benefits of commerce and communication with her Northern provinces, and I do not doubt we may get better terms in any negotiation with her, than could be obtained if she had nothing to ask for herself.

I shall look with much interest for advice and instruction on these questions, when you have been put, fully, in possession of the views and designs of this Government, in the form and by the channel, through which it has preferred to communicate them. . . .

I have the honor [etc.].

## 633

*Robert C. Schenck, United States Minister to Brazil, to Daniel Webster, Secretary of State of the United States*<sup>1</sup>

[EXTRACTS]

No. 14

RIO DE JANEIRO, November 29, 1851.

SIR: . . . I send you a copy of the "Jornal do Commercio" of this morning—the Ministerial newspaper of this city—containing publication of five several treaties, which have just been concluded and ratified between Brazil and the Oriental Republic of Uruguay. They are: 1. A treaty of Boundaries; 2. A treaty of Alliances; 3. A treaty of Supplies, to be advanced by Brazil to the Oriental Republic; 4. A treaty of Commerce and Navigation; and 5. A treaty for the reciprocal Extradition of Criminals and Deserters, and for the Surrender of Fugitive Slaves to Brazil. . . .

You will infer from the making of these treaties, at this particular juncture, the entire confidence with which these two allied powers count upon the fall

<sup>1</sup> Despatches, Brazil, vol. 19.

The omitted portions deal with various matters, among them a discussion of Brazil's disposition to put an end to the slave trade.

or abdication of President Rosas, and the ultimate cooperation with them of Buenos Ayres, under a different rule. . . .

I am very respectfully [etc.].

## 634

*Robert C. Schenck, United States Minister to Brazil, to Daniel Webster, Secretary of State of the United States*<sup>1</sup>

[EXTRACT]

No. 16

RIO DE JANEIRO, *January 9, 1852.*

SIR: . . . The President's late annual Message to Congress, has been received; and is already translated into Portuguese, and published in the newspapers of this city. It is commended, by others besides our own countrymen, as a plain able, statesmanlike document; and unqualified admiration has been expressed to me, by more than one diplomatic Representative, of the clear, liberal, and sound views presented in it, in relation to international duties, and rights, as connected with the Cuba question.

I have the honor [etc.].

## 635

*Robert C. Schenck, United States Minister to Brazil, to Daniel Webster, Secretary of State of the United States*<sup>2</sup>

[EXTRACTS]

No. 17

RIO DE JANEIRO, *February 14, 1852.*

SIR: . . . In my last despatch I informed you of an appointment I had with the Minister of Foreign Affairs here. Our interview and discussion took place on the 11<sup>th</sup> ultimo. . . .

I referred to the fact that the Imperial government had lately concluded several treaties, including one of Commerce and Navigation, with the Republic of Uruguay; and reminded His Excellency of his promise that if any foreign power was to be treated with, my Government should have preference. He claimed that an exception had to be made in the case of the countries on the La Plata, because of the peculiar relations with them, as allies of the Empire in an existing war, and as neighboring border nations. . . .

I have the honor [etc.].

<sup>1</sup> Despatches, Brazil, vol. 19.

The omitted portion announces his intention to visit Rio de la Plata, and some matters not pertinent to this publication.

<sup>2</sup> Despatches, Brazil, vol. 19.



## 636

*Robert C. Schenck, United States Minister to Brazil, to Daniel Webster, Secretary of State of the United States*<sup>1</sup>

[EXTRACT]

No. 29

RIO DE JANEIRO, June 23, 1852.

SIR: I had the honor to receive on the 12<sup>th</sup> instant your Nos 15 and 16<sup>2</sup> conveying to me the views of the President in relation to the condition of affairs at the River Plate, and instructing me to proceed to Buenos Ayres, with authority, in conjunction with Mr. Pendleton, our Chargé d'Affaires at the Argentine Confederation, to negotiate treaties with that power and with the Republics of Uruguay and Paraguay. . . .

I have the honor [etc.].

## 637

*Edward Kent, United States Chargé d'Affaires ad interim at Rio de Janeiro, to Daniel Webster, Secretary of State of the United States*<sup>3</sup>

No. 30

RIO DE JANEIRO, July 12, 1852.

SIR: I have received a letter from Mr. Schenck, dated the 5<sup>th</sup> inst. at Montevideo, informing me of his safe arrival at that port on the 4<sup>th</sup> inst, and of his intention to proceed immediately to Buenos Ayres.

I have the honor to enclose to you the "British Packet" of the 2<sup>d</sup> inst. containing the Official documents issued by General Urquiza in reference to his assumption of the title of "Provisional Director of the Argentine Confederation", and a synopsis of Official Documents. The facts, so far as I can gather them from various sources, are, that a party in Buenos Ayres raised an excitement and opposition in reference particularly to the basis of representation, agreed upon by the Governors of the Provinces assembled at St Nicholas, and that a majority of the "Sala" of Buenos Ayres took sides with this Opposition—Very strong and violent language was used, and the Governor and Ministry of that Province were forced to resign. General Urquiza, it seems, felt that the crisis required prompt and energetic and decisive measures, and at once assumed the title and powers of "Director", as he declares, in pursuance of the 14<sup>th</sup> Article of the Treaty of 31<sup>st</sup> of May. You will observe that he gives very solemn and reiterated assurances of having no desire to perpetuate his power beyond the securing and establishing

<sup>1</sup> Despatches, Brazil, vol. 19.

<sup>2</sup> Above, pt. III, docs. 481 and 482.

<sup>3</sup> Despatches, Brazil, vol. 19.

Edward Kent, the writer of this despatch, was consul at Rio de Janeiro. He acted as chargé d'affaires *ad interim*, from June 21 to September 13, 1852, during the absence of Minister Schenck, on special mission to the Rio de la Plata region, to negotiate, in conjunction with Pendleton, the chargé d'affaires at Buenos Aires, treaties of commerce with Argentina, Uruguay and Paraguay.

Law and order. I am very much inclined to give credit to these assurances, and to regard General Urquiza as mainly anxious to consolidate the Confederation upon just, equal, and stable principles.

It is perhaps natural that the Province of Buenos Ayres should feel a little sensitive and restless under any system which sensibly diminishes her pre-eminence, and assigns the foreign relations to the General Govern<sup>t</sup> of the Argentine Confederacy instead of that of Buenos Ayres, as heretofore.

At the last advices quiet and order were restored. These events may however delay any negotiations with foreign powers for some time.

Sir Charles Hotham, left this port yesterday for the River. M<sup>r</sup> S<sup>t</sup> George will sail tomorrow, or the next day after—each in a Steam vessel of war.

The impression here, particularly among the Diplomats is that the United States will stand in a position more favorable to a successful negotiation than any European Power, as we have never intermeddled in the troubles at the Rio de la Plata, and stand well with all the parties and all interests, and have no preliminary questions to adjust. I inferred from a conversation with Sir Charles Hotham that he did not anticipate any speedy action, and was prepared to wait patiently for a propitious opportunity.

As I write this Despatch at the Consulate, and have not time before the sailing of the vessel to go to the office of the Legation, I am not able to affix the proper number, but will inform you by my next despatch, which I shall write in a few days in reference to the business of the Legation, since Mr. Schenck's departure.

With great respect [etc.].

638

*Robert C. Schenck, United States Minister to Brazil, to Daniel Webster, Secretary of State of the United States*<sup>1</sup>

[EXTRACTS]

No. 34

RIO DE JANEIRO, *September 17, 1852.*

SIR: In a brief note from Montevideo, on the 4<sup>th</sup> instant,<sup>2</sup> I had the pleasure to announce to you the success of M<sup>r</sup> Pendleton and myself in concluding a treaty with the Oriental Republic of Uruguay. The formal signing and sealing, and comparison and interchange of copies, were all completed on that day; and within a few hours afterwards I sailed with Commodore McKeever in the Frigate "Congress" for this place, leaving M<sup>r</sup> Pendleton at Montevideo, awaiting the first opportunity for returning to Buenos Ayres. I arrived here on the 13<sup>th</sup> instant.<sup>3</sup> . . .

<sup>1</sup> Despatches, Brazil, vol. 19.

<sup>2</sup> Not included in this publication. In it, he said he was taking the treaty with him to Rio de Janeiro, whence he would send it.

<sup>3</sup> In the omitted portion, he says he is enclosing copies of the protocol and treaty with Uruguay, etc. The text of the treaty, in Spanish and English, in parallel columns, is with

. . . You will remark that in addressing President Giro, I took occasion, in behalf of myself and colleague, to give distinct assurance to His Excellency of the liberal principles of international policy which it was the determination of the United States always to observe:—that, while recognizing a perfect equality between independent nations, it was also a rule with us to demand no advantage of others which we would not be willing to concede in return. There was an object in thus announcing at the threshold the terms we brought and the relations we were disposed to cultivate. And we had good reason to believe that this manner of approach was not without its effect. The Oriental Government has heretofore been kept by other Governments in a sort of pupilage; made to feel its weakness with a sense of inferiority; and so especially has this been the treatment experienced under the patronizing intervention of Great Britain and France, that a sincere different tone of address from one of the great powers of the world, was flattering and gratifying. . . .

I am very respectfully [etc.].

## 639

*Robert C. Schenck, United States Minister to Brazil, to Daniel Webster, Secretary of State of the United States*<sup>1</sup>

[EXTRACTS]

No. 37

RIO DE JANEIRO, October 14, 1852.

SIR: When I left Buenos Ayres, on the first of last month, it was with the expectation of having to return to pursue our negotiation with the Argentine Confederation, probably early in November, I had discovered, as you have already been informed, that before that time, we could not reasonably expect that any satisfactory or lasting result would come from the uncertain efforts of that people, to organize a central or national government, and to establish a more complete union of the Provinces. But intelligence, received within the past week, seems to render it likely that my presence in that quarter can be of no service for some time yet to come. M<sup>r</sup> Pendleton has, without doubt, reported to you fully, the new or counter-revolution which has occurred, and been carried through with so much success, at Buenos Ayres; and has detailed the events of the 11<sup>th</sup> of September, and afterwards, ending in the overthrow of the power and rule of Urquiza, over that Province, and his withdrawal to Entre Rios, of which he is the legal Governor. General Urquiza, still claiming, in his title of "Provisional Director", to be the Chief Executive of the Confederation, from which he now regards Buenos Ayres, as by her own act excluded, has established the seat of government at Paraná,

the file copy of the despatch, as are also the texts of his address to the President of Uruguay and the latter's reply, and other related documents.

<sup>1</sup> Despatches, Brazil, vol. 19.

the capital of his own Province of Entre Rios. He has invited the members of the Diplomatic Corps to attend him there, and, by the latest advices, I understand that most of the representatives of Foreign countries accredited to the Confederation, had complied with his request, and repaired there, to reside at least for the present. M<sup>r</sup> Pendleton was about to proceed thither, when he wrote his last letter to me, on the 2<sup>d</sup> instant.

I do not know what else the Foreign representatives, residing near that Government, could have done; for certainly, in whatever light may be regarded the pretensions of General Urquiza, there was no other head of the nation to be recognized, either *de jure*, or *de facto*.

But it was a very different question with me, the expediency of my return at this time to ascend the river to Paraná— M<sup>r</sup> Pendleton suggested my coming down, and following him thus into the interior; but I have deemed it best to wait. I have no faith that even the present condition of things is to continue long. Probably by the time I could reach Paraná, some other revolutionary change will have taken place. Indeed, by a letter from Montevideo, of later date than any thing received directly from Buenos Ayres, I hear a report, through what seems to be an authentic and reliable channel, that three other Provinces,—Tucuman, Cordova, and San Juan,—have also declared against Urquiza. However that may be, if the Argentine Confederation is not now virtually dissolved, it is, at least, in no condition for making treaties, I think, or to do any other act of sovereignty, in a national capacity. The right of General Urquiza to be longer at the head of affairs, under the terms of the *Acuerdo* of San Nicolas de las Arroyos, is disputed with much plausibility, and at the last accounts, the Congress of delegates, which was to assemble at Santa Fé for the purpose of framing a constitution, had, after many days of delay, failed to get together a representation of more than half the Provinces; so that it is by no means certain that the Confederation will be permanently established at all. . . .

Any consideration of the question of treating with Paraguay, must, almost necessarily, be suspended until some further and definitive negotiation is had with the Argentine confederation, if that should yet have a permanent National organization; or with Buenos Ayres and other Provinces, if they resolve upon, and maintain a separate independence. And of course this must also suspend, with Pendleton and myself, any determination about proceeding to Paraguay, under the discretionary power conferred upon us. I may say to you, however, that I think it will ultimately be found that whoever treats for the United States with Paraguay, will have to go in person to Asuncion, the capital of the country, to do it.

I submit also, for your consideration, in view of the possibility that the different Provinces of the Argentine Confederation may claim, and maintain, each of them a separate nationality, whether we ought not to be provided with other credentials to be used in that case; and especially to Buenos

Ayres, Santa Fé, Entre Rios, Corrientes and perhaps other Provinces bordering on the Paraná or Paraguay. . . .

I have the honor [etc.].

## 640

*Robert C. Schenck, United States Minister to Brazil, to Edward Everett, Secretary of State of the United States*<sup>1</sup>

[EXTRACTS]

No. 38

RIO DE JANEIRO, *December 15, 1852.*

SIR: . . . The last monthly mail from Buenos Ayres has brought various items of intelligence from that distracted quarter. But, as I anticipated, there is, as yet, no settled government there; or at least no organisation of the Argentine Confederation, such as would make me sure of a Government with which to treat successfully, and satisfactorily, if I were to proceed thither. Consequently I shall still wait here for further information, and for a better condition of affairs.

You will see, by the public journals, that the Provinces, or some of them, have become even involved to some extent in a civil war. The Province of Buenos Ayres was not content only with throwing off for itself the rule of General Urquiza, but equipped two military expeditions, and sent them to unite with those of the people and soldiery in Corrientes and Entre-Rios, who were supposed in like manner to be disaffected towards him. . . .

M<sup>r</sup> Pendleton writes, under date of the 23<sup>d</sup> ultimo, to inform me that, under all the circumstances, the best thing he could probably do at this juncture, was to proceed on the mission to Paraguay; and he had, accordingly accepted an invitation from Sir Charles Hotham, the English Envoy, to accompany him up the Paraná, in a British man of war. They were to start from Buenos Ayres on that day. I could not expect this contingency, and opportunity, or I might have endeavored to join M<sup>r</sup> Pendleton in season to go also to Assumption; although it is a long journey, not to be undertaken from here without some good assurance that it could be made profitable to the interests of our Government. What he may be able to accomplish alone, with the powers he will exhibit, I cannot tell. I hope it may be something satisfactory. . . .

Enclosed is a copy of the Convention between Brazil and Peru, in relation to the navigation of the Amazon, and other matters, which I have cut from a newspaper of this city. I have not yet seen it published in any other form. Though this Convention was concluded, and bears date, as

<sup>1</sup> Despatches, Brazil, vol. 19.

In the omitted portions, he tells of efforts of Urquiza to assemble a congress at Santa Fé to form a constitution for the Confederation.

you will see, the 23<sup>d</sup> of October 1851, the ratifications of it were not exchanged by the two Governments until the 18<sup>th</sup> of October of this year.<sup>1</sup>

I have the honor [etc.].

## 641

*Robert C. Schenck, United States Minister to Brazil, to William L. Marcy, Secretary of State of the United States*<sup>2</sup>

[EXTRACT]

No. 46

RIO DE JANEIRO, March 19, 1853.

SIR: . . . From M<sup>r</sup> Pendleton I have no direct intelligence. He was still in Paraguay at the last accounts; but it was understood that neither he, nor the British or French Ministers had succeeded in effecting any thing with that Government; and that they were all about to descend the river again, to stop perhaps at Paraná, in Entre Rios, until General Urquiza's return there, or until affairs at Buenos Ayres should assume some other aspect. I see nothing that they can likely do, but wait, and watch the course of events. My own opinion has always been that President Lopez in Paraguay will not be induced to enter into treaties of commerce or navigation with any other power, until there is some fixed shape given to the government and policy of all the States on the rivers below.

I have the honor [etc.].

## 642

*Francisco de Carvalho Moreira, Brazilian Minister to the United States, to William L. Marcy, Secretary of State of the United States*<sup>3</sup>

[TRANSLATION]

WASHINGTON, April 4, 1853.

The Undersigned, Envoy Extraordinary and Minister Plenipotentiary of His Majesty the Emperor of Brazil, having read some articles, recently published in the newspapers of this country, from which it is inferred, that there is a North American Steamer on the Amazon, which was sent there for the purpose of exploring that river, the same being in search of some Bolivian ports, upon the tributaries of said Amazon, which, a decree of the Bolivian Government, dated the 27<sup>th</sup> of last January and likewise published in this country, has declared to be free to foreign commerce,—surprised at such an announcement, as he has no evidence of the fact, nor is it possible that any

<sup>1</sup> The newspaper clipping containing the text of the treaty, in Portuguese only, is with the despatch in the manuscript volume.

<sup>2</sup> Despatches, Brazil, vol. 20.

Most of the omitted portion tells of reports he had received, chiefly through newspapers, regarding internal disturbances in the province of Buenos Aires.

<sup>3</sup> Notes from Brazil, vol. 3.

vessel could have obtained a passport from the consular agents of Brazil, in the ports of the Union, in order to be able to enter the Amazon, and undertake the navigation of that river and its confluent streams, he deems it his duty to address himself to the Hon<sup>ble</sup> W. L. Marcy, Secretary of State, begging that he will be pleased to inform the Undersigned, whether any North American Steamer, belonging either to the Merchant Service, or to the Navy of the United States, have, in fact, been despatched from any of the ports of said United States to the Amazon with the knowledge of the respective authorities, and if said steamer be now there, under the circumstances above mentioned. The Undersigned, not being able to ascertain the amount of credit which may be due to the aforesaid announcement, feels persuaded that the Hon<sup>ble</sup> Secretary of State, with official means of information within his reach, will be able to give a full explanation on the subject to the Undersigned, who, in the event of such announcement being true, could not, without much regret, see, in so unexpected a manner, the rights of sovereignty, which, as an independent Nation, Brazil has over her rivers, which constitute a part of her territory, outraged.

The Undersigned avails himself of this occasion [etc.].

## 643

*Francisco de Carvalho Moreira, Brazilian Minister to the United States, to William L. Marcy, Secretary of State of the United States*<sup>1</sup>

[TRANSLATION]

WASHINGTON, April 26, 1853.

The Undersigned, Envoy Extraordinary and Minister Plenipotentiary of His Majesty the Emperor of Brazil, has had the honor to receive the note of the Hon<sup>ble</sup> W<sup>m</sup> L. Marcy, Secretary of State of the United States, dated the 20<sup>th</sup> instant,<sup>2</sup> in reply to one which the undersigned addressed him on the 4<sup>th</sup> of the same month,<sup>3</sup> asking for information relative to some articles published in the newspapers of this country, on the subject of a North American Steamer, sent from here, to explore the Amazons, and in search of some Bolivian ports, on the tributaries of said river.

In reply to the note aforesaid, of the 4<sup>th</sup> instant, the Honorable Secretary of State said, that, although, from being conscious of the scrupulous regard with which his government respects the rights of friendly powers, and the frequent inaccuracy and exaggeration of Newspaper statements, when not officially promulgated, he might, at once, have denied the truth of such an announcement, he preferred, nevertheless, to address a communication to the Secretary of the Navy, from whom His Excellency received information,

<sup>1</sup> Notes from Brazil, vol. 3.

<sup>2</sup> Above, pt. III, doc. 483.

<sup>3</sup> Above, this part, doc. 643.

which enables him to declare to the undersigned, with certainty, that no vessel, under the instructions of that department, has been bound to the waters of the Amazon, and that probably some misapprehension on this point may have arisen from the organization of an expedition to explore the valley of the Amazon which His Excellency endeavors briefly to explain to the undersigned.

After proceeding in his manifestation of sentiments of courtesy for a friendly nation and of respect for her rights of sovereignty, the Hon<sup>ble</sup> Mr. Marcy alludes to the conduct of the Government of the United States towards the Empire of Brazil, when the former, in 1851, solicited from the Brazilian Minister at this place, permission for the scientific exploration which followed, and, in alluding to the liberal views of that expedition, he also mentions the honorable and disinterested motives which prompted it.

With regard to any merchant vessel, to which the notice in question might refer, the Hon<sup>ble</sup> Mr. Marcy remarks, that in view of the extent of the commerce of the American Union, it is quite impracticable for the Government of the United States to be cognizant of the destination and objects of the vessels that leave the ports of this country; but he asserts that such vessels could not sail with the knowledge of the authorities, their sinister projects against the laws of Brazil being known, nor would the Government of the United States, in such cases, assume the responsibility of justifying the act.

Duly appreciating the solicitude with which the Hon<sup>ble</sup> Secretary of State was pleased to respond, by means of official datas, to the inquiries contained in the Note of the 4<sup>th</sup> instant, which is a sure earnest of that conscientiousness with which the Government of the Union, endeavors to respect the rights of friendly nations, the Undersigned does not hesitate, in view of the frequent inaccuracies and exaggerations which vitiate the publications made in the Journals of this country, as the Hon<sup>ble</sup> Mr. Marcy fully acknowledges, to admit the possibility that the announcement aforesaid may have been false; and is convinced, that no vessel, belonging to the United States Navy, has been, up to this day, despatched by the respective Department, (nor officially protected), to the Amazon Waters, with the object mentioned in the aforesaid Note of the 4<sup>th</sup> instant.

And if so formal a declaration had not been made, as the Hon<sup>ble</sup> Secretary of State was pleased to vouchsafe on the subject, if any misapprehension could have arisen, as to the object of that note, it certainly could not have proceeded from this expedition, the origin of which having actually been explained, as His Excellency states, was, on that account, out of the pale of the duties of the Undersigned, and its existence much more so.

With regard to the proceedings of the government of the United States towards Brazil, in 1851, on the occasion of the scientific expedition of two officers of the North American Navy, to which the Hon<sup>ble</sup> Secretary of State alludes, the undersigned considers the circumstances that preceded the per-



mission granted to that expedition, as the expression of the sentiments, which, the Government of these States, cherishes and cultivates with the Brazilian Government, which, certainly, properly appreciates them.

Agreeably with the principles thus advanced by the Hon<sup>ble</sup> Secretary of State, and confirmed by positive information, in what concerns the navy of the States, although the Undersigned can not allow himself to doubt but that the competent authorities of this country, will not knowingly facilitate the departure of any merchant vessel, which should contemplate to violate, in this way, the laws of Brazil, as the Hon Mr. Marcy asserts; he cannot, however, avoid mentioning to the Hon<sup>ble</sup> Secretary of State, that the circumstance alluded to by him, that in view of the extensive maritime commerce of the Union, it might escape the vigilance of the authorities, that any merchant vessel had sailed from any of the ports of this country, for the purpose of entering the waters of the Brazilian territories in an irregular manner, would have given to the undersigned some apprehension, if he were not certain, as he is from the explicit declaration of His Excellency, that the Government of the United States, would not assume the responsibility of justifying such an act of aggression against the rights of Brazil, which would be a violation of international law.

## 644

*Robert C. Schenck, United States Minister to Brazil, to William L. Marcy, Secretary of State of the United States*<sup>1</sup>

[EXTRACTS]

No. 50

RIO DE JANEIRO, *April 30, 1853.*

SIR: I have the honor to acknowledge the receipt of your Circular of the 8<sup>th</sup> of March,<sup>2</sup> announcing your appointment as Secretary of State, and that you had entered upon the duties of the Office—

Permit me to congratulate you upon this new, and distinguished proof of public confidence; and to express my earnest hope that you may find the performance of the duties of your post, in every way agreeable.

On the 23<sup>d</sup> instant, the "Water Witch" arrived in this port, bringing me despatch N<sup>o</sup> 19,<sup>3</sup> from your Department, containing further instructions as to the negotiation of a treaty with Paraguay; and enclosing a copy of the appointment and authority given to Lieut. Comd<sup>r</sup>s Thomas Jefferson Page, by which he was to be associated with M<sup>r</sup> Pendleton and myself in the joint commission for treating with that Government. But my N<sup>o</sup> 49<sup>d</sup> has already

<sup>1</sup> Despatches, Brazil, vol. 20.

<sup>2</sup> Not within the scope of this publication.

<sup>3</sup> A very brief instruction containing nothing more than what is reviewed here, except an observation that it will probably not be in the public interest for Schenck to leave Rio de Janeiro under existing circumstances.

<sup>4</sup> Not included in this publication. For Pendleton's journey to Asunción and his negotiation there, see volume 1.

informed you of the diplomatic success of the United States in that quarter. M<sup>r</sup> Pendleton has anticipated these instructions, and fortunately accomplished the great object of the special mission to Assumption.

When the "Water Witch" arrived, I happened to be away on a trip of a few days into the interior. Lieut. Page, in my absence, addressed himself to M<sup>r</sup> Coxe, the Secretary of Legation, requesting that an application might be made to this Government, asking for its friendly offices, in case the survey and exploration of the affluents of the River La Plata, should be extended along any part of the boundary, or within the limits of Brazilian territory.

I am not surprised that there appears to be a want of prompt and cordial cooperation on the part of this Government, in the objects of the "Water Witch's" expedition. Brazil is jealous, suspicious, blind; and unable, or unwilling, to comprehend that her own interests may be advanced by any undertaking that does not originate with herself. The active and adventurous spirit of the people and Government of the United States, only excites in her, generally, a fear that there may be concealed, underneath the most pacific enterprize, some design of evil to her prosperity or possessions.

I am, very respectfully [etc.].

645

*Francisco de Carvalho Moreira, Brazilian Minister to the United States, to William L. Marcy, Secretary of State of the United States*<sup>1</sup>

[TRANSLATION]

WASHINGTON, August 15, 1853.

The Undersigned, Envoy Extraordinary and Minister Plenipotentiary of His Majesty the Emperor of Brazil, has lately perceived that the idea, already frequently promulgated, of sending an expedition to the Amazons, is being agitated by the press of this country in an extraordinary manner; he distinctly gathers from these various publications, 1<sup>st</sup>, that some adventurers have contemplated the fitting out of steam vessels for the purpose of forcing an entrance into that river, in search of Peruvian and Bolivian ports, upon the plea that the respective governments of these two Republics have declared said ports to be free to foreign commerce.

2<sup>dly</sup> That these schemes of aggression against the territory of Brazil are so organized, and that the undertaking had so far advanced, that it has even been announced, that Lieutenant Porter, an officer of the American Navy, was to take the command of said steamers, it being added that he would, for this purpose, receive a leave of absence for two years from the proper Department.

<sup>1</sup> Notes from Brazil, vol. 3.

Not wishing for the future, to place any confidence in these publications, and much less to credit any of the circumstances attending the same, notwithstanding that said publications might be of an extraordinary character, —apprised as the Undersigned has been by the Hon<sup>ble</sup> Mr. Marcy, Secretary of State of the United States, of the facility with which the newspapers of this country are wont to publish exaggerated and incorrect notices, (having nothing to do with the acts of declarations of the government)—governed by these considerations, the Undersigned thought he ought not to take any official steps, in consequence of the publications alluded to, and he preferred, above all, to use all the means within his reach, in order to ascertain what amount of truth the notices in question possessed.

By employing these means, certain information has come to the knowledge of the undersigned, to which unfortunately, said undersigned could not turn a deaf ear, unless such information could be neutralized by other and more satisfactory intelligence, or by data of a public character. The following is the information alluded to: 1<sup>st</sup> that a company is in fact in process of organization in the city of New York, the president of which, or something to that effect, is a certain Mr. D. A. Graves, whose object is to fit out an expedition for the Amazons, whither he intends to go in spite of the prohibition of the Brazilian Government, in search of some Peruvian ports in the upper waters of that river. Of two steamers destined for this expedition, one is already completed, and the other is still in process of construction, if not constructed already. Lieutenant Porter is to be associated with this enterprise or to have command of its vessels.

2<sup>dly</sup> That besides this enterprise, another is organizing in the aforesaid city of New York for the purpose of forcing the Amazon, and sail up the Madeira river as far as the Bolivian ports, upon the confluent of said river, the object of the enterprise being to earn the reward which the Government of that Republic has promised to the first steamer that should succeed in performing that journey.

The person who figures as the leader or principal partner, in this last enterprise, is a certain Mr. J. D. Williamson; a steamer of 150 tons being already constructed and ready to sail; to this information there is added the circumstance that the adventurers have purchased an armament for the purpose of repelling by force, any obstacle they might have to encounter on the part of the Brazilian authorities, in the course of their expedition.

There is one circumstance connected with this intelligence, the serious character of which only, could have induced the Undersigned to mention it in this statement to the Hon Secretary of State; and that is the command of Mr. Graves's steamers as attributed to Lieutenant Porter; for even though the Undersigned had not entertained every confidence in the principles of justice and the sentiments of integrity which the Government of the United States wishes to cherish and to cultivate, in regard to Brazil as the Hon Mr.

Marcy was pleased on a similar occasion, to say to the undersigned, in his note of the 20<sup>th</sup> of last April <sup>1</sup> the Undersigned could not, without appearing ungrateful for such plausible intentions on the part of the Government of the Union, admit the possibility of a leave being granted to an officer of the American Navy, to enable him to take the command of an expedition, tending to infringe upon the laws of Brazil and to a violation of her territory, of which her rivers are an integral part.

The fact of such leave being granted, with a knowledge of the cause, (if it were true) thus throwing the mantle of official protection over this criminal expedition would be the means of shaking that abiding confidence which the Undersigned entertains, with regard to the sincerity of those praise worthy sentiments and principles; and thus the Undersigned cannot admit the correctness of this fact, and hopes that the Hon Secretary of State will be pleased to enlighten him in that respect, and strengthen the reasons he has for disbelieving in so extraordinary an announcement.

But as regards to the fact of the two projected expeditions, that of Mr. Graves for the interior ports of Peru, and that of Mr. Williamson for those of Bolivia, and both intended for the Amazon and its confluent streams in the territory of Brazil, the Undersigned having no cause for doubting the veracity of its existence, he deems it to be his imperative duty, to address himself to the Honorable Secretary of State, denouncing to His Excellency, these schemes of invasion and hostility set on foot in New York against the Brazilian Empire, which a mistaken spirit of enterprise, and an immoderate thirst for lucre, will no doubt carry into effect, if the government of the United States in its wisdom, and with that sense of justice by which it is governed, does not immediately adopt proper measures to prevent and frustrate the same. The Undersigned will not pretend to suggest to the Hon Secretary of State what means should be employed against these illegal attempts which threaten to place the indisputable rights of Brazil in jeopardy—This would be to call in question the enlightened understanding which is at the head of His Excellency's government; but the Undersigned feels very certain, that the laws of the United States cannot but have been so framed as to provide the means for preventing friendly nations from being outraged in this manner by American citizens, and that H. E. with official appliances at his disposal, will not fail to employ such as may be most effective for preventing a violation of the law of nations, and to avoid an unjustifiable outrage against the Government of Brazil. And the Undersigned is the more persuaded of this, because the Hon Secretary of State, in his note already alluded to, gave him such positive assurances that the proper authorities of this country, would not knowingly consent to the departure of any merchant vessel, that should project, by such means, a violation of the laws of Brazil. In communicating these facts to the Hon Mr. Marcy, therefore,

<sup>1</sup> Above, pt. III, doc. 483.

the Undersigned feels convinced that H. E. will please to adopt proper measures for giving effect, on this occasion, to the assurances which the Undersigned had the honor of receiving from the Hon Mr. Marcy.

And although the Undersigned feels equally certain, as the Hon Mr. Marcy was likewise pleased to state to him, that even in the case of some merchant vessel escaping the vigilance of the authorities, should sail from any of the ports of this country, with a view of entering, in an irregular manner, the waters belonging to the territory of Brazil, the Government of the United States should not assume the responsibility of justifying such an attempt, yet such is the scandal which these two projected expeditions have created in the face of the law of nations, and such may be their consequences, that leaving it to Mr. Marcy's enlightened judgment and sense of justice, duly to appreciate the same, the Undersigned merely asks H. E. to adopt proper measures, and he relies upon the well-founded hope that they will be advantageously employed by the government of the Union and this unjust and unexpected outrage against a friendly nation, be averted.

The Undersigned avails himself of this occasion [etc.].

## 646

*Robert C. Schenck, United States Minister to Brazil, to William L. Marcy, Secretary of State of the United States*<sup>1</sup>

No. 73

RIO DE JANEIRO, August 23, 1853.

SIR: While at Montevideo, in the first week of this month, I had communication with the Government of Uruguay, that I might ascertain precisely the condition of the question there in regard to our treaty of the 28<sup>th</sup> of August 1852.

The treaty has not been ratified; but probably will be, notwithstanding the time, which was nine months, limited for the exchange of ratifications, having expired. The regular Annual Session of the Legislative Chambers (the Sala) which commenced in February, closed about the middle of last month. They adjourned without any action on the subject. Changes in the Ministry, financial difficulties, and pressing matters connected with the home policy and legislation of the Republic, are assigned as reasons for this postponement. The treaty was, however, referred to the proper committee; and will be reported, and voted upon, I was assured, at a future session. The next session of the Chambers, I was privately told by the President himself, would be now very soon—perhaps the present month, or in September—as he had resolved to convoke them for special purposes; and among other subjects, at this extra session, he would submit again, for consideration, the treaty with the United States, and urge immediate concurrence in it.

<sup>1</sup> Despatches, Brazil, vol. 20.

President Giro is evidently and very sincerely desirous for the ratification; and as well also for the subsequent entire adoption of the "Additional Article" relating to full and equal rights of navigation.

It is that important navigation article appended to the treaty, which has been, more than any thing else I believe, the occasion of some hesitation and doubt as to the final ratification by the Legislature. There is a party in Uruguay, and which is represented in the Sala, much under the influence, or fear rather, of Brazil. And Brazil desires to see no other nation admitted, among her neighbors, to equal privileges with herself. She has been exceedingly anxious to impress, if she could, upon all the other South American States, her policy of making no treaties with the other and principal powers of the world in Europe and North America. She connects with this also, a vain ambition to establish a sort of protectorate over these Spanish American republics; hoping that while controlled and directed by her, in their relations towards other nations, they may be kept at the same time in a degree of subjection to herself. At every point, however, thus far, on the River Plate and its waters, we have succeeded in effectually foiling these illiberal purposes and attempts of the Imperial Government.

In the Oriental Republic, whatever there is now of Brazilian influence, depends on the advantage obtained by advances of money, and obligations secured, during the alliance of 1851, which resulted in the overthrow of Oribe, and in putting an end to the long siege of Montevideo. Uruguay is recovering, however, from the poverty and exhaustion of her resources, which were the consequences of protracted civil war; and she may hope, with continuance of peace, to emerge from her fiscal embarrassment, and to become truly as well as nominally independent. There is at heart no love, but the strongest prejudice, between her population and the Brazilian people; and the Uruguayans well understand, that as to their country particularly, this Government has never given up the hope of extinguishing one day yet its nationality, and recovering possession of the whole Banda Oriental, so as to round out the territory of the Empire, by going again to the River Plate for a Southern boundary.

But supposing our treaty with Uruguay to be ratified on her part, as I believe it will be, after this lapse of months beyond the time limited, what will the United States do? I could give no information or assurances to President Giro, or to M<sup>r</sup> Berro, the present Minister of Foreign Affairs. All I know yet myself is, that, by the Annual Message of President Fillmore in December last, it appears that this treaty had been submitted by him to the Senate, (as I was before informed by M<sup>r</sup> Everett's N<sup>o</sup> 17<sup>1</sup> it would be); but

<sup>1</sup> Instruction No. 17 to Schenck was not signed by Everett, but by Acting Secretary Conrad; it dealt with a consular appointment. This reference should evidently have been to No. 18, dated, December 2, 1852, which was signed by Everett, and did state, "I doubt not that the President will embrace an early opportunity of communicating the Treaty to the Senate." Other than this, and acknowledging the receipt of Schenck's No. 34, of September 17, with

whether it met with favorable or unfavorable notice, or no notice at all, in that body, I have never been able to ascertain; nor has any information been communicated to M<sup>r</sup> Pendleton, my colleague in the negotiation.

This, you will admit, was rather a mortifying ignorance for me to confess.

I take the liberty of suggesting, that if the treaty has been, or is likely to be ratified by our Senate, it may be an advantage to instruct the Chargé d'Affaires of the United States to the Argentine Confederation, immediately, on that point; and also that a proposition should be made to exchange, through that Agent, the ratifications at Montevideo, there being no Uruguayan representative at Washington, or any where conveniently near the United States.

I have suggested to the Government at Montevideo, that that would probably be the course pursued.

I have the honor [etc.].

## 647

*Robert C. Schenck, United States Minister to Brazil, to William L. Marcy, Secretary of State of the United States*<sup>1</sup>

No. 74

RIO DE JANEIRO, August 24, 1853.

SIR: While engaged in the duties of my special Mission at Buenos Ayres, I received and answered, among other communications from the Provisional Director, two Notes which I deem of sufficient interest and importance to be reported to you.

One conveyed an invitation from His Excellency, to take up my residence outside of the city, in order to escape the licentious abuse within, to which the foreign diplomatic agents were continually subjected; and the other had relation to the admissibility of a threatened blockade of the other ports of the Confederation, by the squadron which Buenos Ayres had come into possession of, by the defection of the Argentine Commodore Coe.

My replies, on both occasions, were made, I trust, with proper judgment and discretion.

I submit to you herewith copies of these Notes, and of my answers to them, marked A<sup>74</sup>, B<sup>74</sup>, C<sup>74</sup> and D<sup>74</sup>.<sup>2</sup>

I have the honor [etc.].

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the Treaty, and congratulating Schenck on the successful conclusion of the negotiation, the instruction contains nothing important.

<sup>1</sup> Despatches, Brazil, vol. 20.

<sup>2</sup> The latter two of these four notes follow:

*Angel Elias, Secretary to the Provisional Director, to Robert C. Schenck, United States Minister to Brazil*

C<sup>74</sup>.

SAN JOSÉ DE FLORES, June 23, 1853.

A crime of defection, accompanied by circumstances which render it more intolerable, and executed with such perfidy that it has been impossible to avoid it, has just deprived

*Robert C. Schenck, United States Minister to Brazil, to William L. Marcy, Secretary of State of the United States*<sup>1</sup>

No. 78

RIO DE JANEIRO, September 15, 1853.

SIR: The last mail from Buenos Ayres has brought a singular document from that province, denying the validity of the treaties concluded, at San José de Flores and at San José,<sup>2</sup> with the Argentine Confederation.

the Government of the Argentine Confederation of the naval forces which maintain the blockade of the port of Buenos Ayres.

This fact may lead to serious consequences; although it is very far from weakening the measures of war taken against the rebel city or from dampening the ardor of the soldiers who sustain the Constitutional cause of the Argentine Confederation. It is presumable that it is intended to employ those ships to disturb the tranquillity of the littoral peoples, and against the established ports of the Republic.

But His Excellency the Director trusts that Your Excellency will use the influence of your position, as also the arms which your Government has at its command in the Rio de la Plata, to avoid any possible hostilities in the name of authorities which Your Excellency does not, and cannot recognize.

There can not exist in any country two entities at the same time which represent its sovereignty, and exercise in a contrary sense the attributes derived from it. For Your Excellency, the sovereignty of the Argentine Confederation resides in the authority of His Excellency the Director, to whom you have been accredited; and for that reason the naval forces of the Government of Your Excellency have recognized the blockade which is today raised by the hand of treason.

Emphasizing these considerations, His Excellency the Provisional Director hopes that he being the only authority competent to commission ships bearing the Argentine flag to engage in war, Your Excellency will prevent, as illegal, all hostile acts which the ships seized by the rebel Government of the city of Buenos Ayres may exercise in the Rio de la Plata and its affluents, open to the free navigation of all trading vessels not only by decree of the Director, but by the recent declarations of the Congress of the Confederation.

I have the honor of communicating the above to Your Excellency by direction of His Excellency the Director, assuring you of my highest respect and consideration.

*Robert C. Schenck, United States Minister to Brazil, to Angel Elias, Secretary to the Provisional Director*

D<sup>74</sup>

BUENOS AIRES, June 27, 1853.

The undersigned Envoy Extraordinary & Minister Plen'y of the United States, has received the Note addressed to him on the 24<sup>th</sup> instant, by Sñr Don Angel Elias, Secretary of H. E. the Provisional Director, referring to the crime of defection, by which the Argentine Confederation has been deprived of the Naval forces which were sustaining the blockade of the port of Buenos Ayres; and to the consequences which may follow that act; and the probable employment of those vessels against the other established ports of the Republic.

Any such movement on the part of the belligerent party now in possession of the said vessels, with that, or any other Naval force, may make it necessary for the undersigned to consider and express hereafter his opinion upon the sufficiency and legality of an attempted blockade of those ports. But His Excellency will perceive the obvious propriety there is in the undersigned reserving his judgment until some distinct case arises, to be governed in his opinion and course by the particular circumstances and facts then existing. Any other position taken at present would be inconsistent with the strict neutrality, which it is the duty of the undersigned to maintain in the unhappy civil war between this city, and the Confederation to which the undersigned is accredited.

But H. E. may be well assured that the undersigned will not regard without the deepest interest and concern, any movement which may be intended to interrupt or disturb the free navigation of the River La Plata and its affluents.

The undersigned avails himself of the occasion to renew to Sñr Don Angel Elias, and, through him to H. E. the Provisional Director, the assurances of his perfect esteem and distinguished consideration.

<sup>1</sup> Despatches, Brazil, vol. 20.

<sup>2</sup> Probably intended to be Santa Fe, although this transcript faithfully follows the file copy.



It is in the form of a "Protest," addressed "to all Nations, and more especially to the Argentine Republic;" and concludes with the statement that a more detailed communication will be made to Her Britanic Majesty, to the Emperor of the French, and to the President of the United States, to show why Buenos Ayres will never consider herself bound by any of the stipulations contained in those treaties. I have obtained and I send you herewith a copy of the paper.

By those who are well acquainted with all the facts, circumstances, parties and influencing motives, a publication like this will be regarded as simply ridiculous; or so far so, at least, as any thing can be considered ridiculous merely which embodies so much falsehood. As to the show of argument that is made, tried by the simplest principles of inter-national law, you will observe at once that the whole is but a tissue of fallacies, and founded upon inadmissible pretensions. My prediction is, that the whole movement will prove but "a tempest in a teapot," exhausting itself when it shall have accomplished the purposes of local and personal ambition and interest which it is intended to serve; but not unlikely outlasting the probably still briefer career of those who happen now to be temporarily at the head of affairs in Buenos Ayres. That province, it must be remembered, being involved in successive revolutions, its government is at present, and has been for some time, *provisional* only, as was & is that of the Confederation. And Lorenzo Torres and his confederates acting as an Executive Ministry, concealing their true opinions, would seize any pretext for getting up an excitement, to save their own heads in the political changes likely to occur there.

But these observations are generalities, which are to be partly understood by reference to the former correspondence of M<sup>r</sup> Pendleton and myself with the department, and which, if necessary, we can either of us still more fully explain, by communication of particulars to you and to the President, when we arrive in Washington.

In the mean time, however, I send you, with this, a paper I have hastily prepared, in the shape of a Memorandum <sup>1</sup> on this Protest, giving brief but specific denial or reply to the several statements and points which it contains. I put my comments in this form, at the request of M. de St Georges, and Sir Charles Hotham, the French and British Ministers, who were in this city two days ago, when the publication from Buenos Ayres was received, and both left for Europe in the steam-packet to England yesterday. They were pleased to request that I would prepare such a condensed review of the extraordinary publication, as our short time would allow; and finding it to concur (as it did) with their own knowledge and notions on the subject, they would adopt it as the substance or basis of the explanation which they would themselves present, if any thing were required, to their respective

<sup>1</sup> Not copied for this publication; its purport is shown in the despatch, and covers sixteen handwritten pages. To be read intelligently, the text of the protest would need to be at hand; it fills three long columns of newspaper print.

Governments, on their arrival in Paris and London. Their treaties and ours at San José de Flores, being identical, and signed at the same time, the sustaining of them against all objection was to be regarded as a common cause by the three countries. But neither of these Gentlemen, I may remark, has the slightest doubt as to the treaty being ratified and maintained by his Government, nor of the entire approval of the negotiation and its execution under the circumstances. It is presumed, however, that neither of the powers concerned will permit itself to be invited into a controversy, not with the Argentine Confederation, but, with a single recusant province, whose separate nationality has not only never been recognized, but which even has not gone so far as to declare, or pretend to, independence. But in fact all the Nations would have cause to deplore the surrendering of treaties by which have been secured and perpetuated, with the broadest liberality, equal privileges and free competition to the commerce of the whole world.

I have the honor [etc.].

649

*Robert C. Schenck, United States Minister to Brazil, to William L. Marcy, Secretary of State of the United States*<sup>1</sup>

[EXTRACT]

No. 79

RIO DE JANEIRO, *September 26, 1853.*

SIR: On the last day of this Legislative session was passed and approved a law of some political interest. It is an act authorizing this Government to lend money to the Government of Uruguay, to sustain and help the latter through its financial difficulties. The amount of the loan is to be sixty thousand silver dollars per month, to be continued, at the discretion of the Emperor, for a period not exceeding one year—making the whole sum authorized \$720,000. From the peculiar form in which this aid is to be extended, you will see that it is undoubtedly designed as another measure of Brazil for maintaining influence and control over one of the neighboring Republics. Please refer to what I said on this subject of Brazilian influence and interference, in my N<sup>o</sup> 73.<sup>2</sup> This present loan is a government measure, proposed as one of their first acts by the new Ministry, and, although warmly opposed and discussed for many days both in the senate and the Chamber of Deputies, was carried at last by an almost unanimous vote. In the same connection I may venture to state, as a pretty well ascertained fact, what has been openly charged by a senator in the debate, and is generally understood and believed in the diplomatic circle here, that the Minister from Montevideo at this court is but the tool of this Government, and that an intrigue is

<sup>1</sup> Despatches, Brazil, vol. 20.

The omitted portion reports the arrival of his successor.

<sup>2</sup> Above, this part, doc. 647.

going on, from this quarter, to elevate him to the Presidency of Uruguay.

...

I have the honor [etc.].

650

*Francisco de Carvalho Moreira, Brazilian Minister to the United States, to  
William L. Marcy, Secretary of State of the United States*<sup>1</sup>

[TRANSLATION]

WASHINGTON, October 3, 1853.

The Undersigned, Envoy Extraordinary and Minister Plenipotentiary of H. M. the Emperor of Brazil has had the honor to receive the note of the Hon W. L. Marcy, Secretary of State of the United States, dated the 23<sup>d</sup> of September last,<sup>2</sup> in reply to that which the Undersigned had addressed to H. E. under date of the 15<sup>th</sup> of last August,<sup>3</sup> N<sup>o</sup> 4 (bis) informing the government of Washington of certain expeditionary schemes got up by adventurous shipowners of New York, with a view to the Amazons,<sup>4</sup> and asking that proper measures might be adopted for preventing and frustrating such illegal attempts.

Appreciating in the highest degree all that H. E. has been pleased to say in reply to the Undersigned, in his note aforesaid, with regard to the principles of justice and friendly sentiments, which sincerely actuate the government of the United States towards the government of Brazil, it is proper for the Undersigned to assure the Hon Mr. Marcy, that he never entertained any doubt as to the practice of those praiseworthy principles, nor questioned the sincerity of such estimable sentiments, on the part of the Government of the Union. On the contrary, his note of the 15<sup>th</sup> of August was conceived throughout in a spirit full of confidence, that the government of the United States would not fail to receive with the utmost good will the reclamation of a Minister of a friendly power, against whose rights the press was denouncing some contemplated outrages, which the official intervention of the government of the country, alone, could prevent and avoid. It was still under the guidance of this same spirit, that the Undersigned, so far from admitting the possibility of there being any truth in what was then said, relative to the permission granted to an officer of the United States Navy, to take command of one of those expeditions, he, on the contrary, in his note aforesaid, positively signified to the Hon Secretary of State, his entire reluctance to credit

<sup>1</sup> Notes from Brazil, vol. 3.

<sup>2</sup> The date should be the 22d instead of 23rd, although the transcript follows the file copy of the translation, and the latter faithfully follows the Portuguese original. For the document in question see above, pt. III, doc. 485.

<sup>3</sup> Above, this part, doc. 646.

<sup>4</sup> This awkward construction follows the file copy of the translation, apparently contemporaneously produced by the Department's translator. A more exact as well as more nearly faithful translation of the Portuguese, which is also in the file, would be "certain plans for expeditions to the Amazons promoted by adventurous shipowners of New York."

such a fact, expressing a hope that H. E. in enlightening him on the subject would thereby "strengthen the reasons which the Undersigned had for disbelieving such an extraordinary announcement."

So frank and explicit a declaration, seemed then to exclude the idea that the Undersigned could have entertained so much as a transient suspicion, relative to the truth of such a fact, as the Hon M<sup>r</sup> Marcy, no doubt through mistake, appeared, otherwise, to suppose.

And, in effect, seeing his anticipations thus realized, the Undersigned receives with entire satisfaction the assurance which the Hon Mr. Marcy has just given him, in his last note, that the government of the United States, faithful to the dictates of justice, and the respect due to friendly nations, and conscious of the efficacy of its own laws and of the fidelity with which they will be executed, has made the necessary provisions and roused the vigilance of its agents, in order to prevent any violation of Brazilian territory, by means of such attempts as those which the Undersigned deemed it his strict duty to communicate to the Hon Secretary of State of the United States, in his note of the 15<sup>th</sup> of August.

Relying upon so legitimate a belief, the Undersigned is likewise persuaded, that such provisions and the certainty of suppression on the part of the government of the United States, must contribute greatly to prevent similar enterprises from daring to set at defiance the punishment provoked by their rashness.

Such are the sentiments which the Undersigned has the honor of expressing to the Hon Secretary of State, in reply to H. E's note of the 23<sup>d</sup> of September last, and he is very much rejoiced to see, that the anxiety of the government of the Union, harmonizes with the duty which the Undersigned must perform, of maintaining the rights of Brazil unimpaired.

The Undersigned avails himself of this occasion [etc.].

651

*Robert C. Schenck, United States Minister to Brazil, to William L. Marcy, Secretary of State of the United States*<sup>1</sup>

No. 82

RIO DE JANEIRO, October 4, 1853.

SIR: You have been informed heretofore of an application made to this Government for such coöperation and facilities as it might afford to the expedition, under the command of Lieutenant Page, now engaged in the exploration and survey of the waters of the river La Plata and its tributaries. A request was made for the friendly aid and favor of the Brazilian authorities wherever the work might be extended into rivers flowing within the limits of

<sup>1</sup> Despatches, Brazil, vol. 20.

the Empire. I beg you now to refer to the notes accompanying my Nos 50<sup>1</sup> and 54; and then to the further correspondence of which I enclose copies herewith—(A<sup>82</sup> B<sup>82</sup> and C<sup>82</sup>).<sup>2</sup>

I was so dissatisfied with the limited privilege conceded by the Minister of Foreign Affairs in his note of the 4<sup>th</sup> of May, that immediately after my return from Buenos Ayres, on the 20<sup>th</sup> of August, I addressed him again recalling the subject to his notice, as you see, in a more particular manner. I signified to him that I could hardly believe it possible that the Imperial Government, when placing the *Water Witch* in the same category with an ordinary merchant vessel, could have understood distinctly, or adverted to the fact, that the expedition was one purely scientific in its character, the results of which would be for the common benefit of all the world, and of advantage to no other country more than to Brazil.

But I made no impression on the churlishness which reigns here. The change in the cabinet having taken place in the mean time, I received, after a month's delay, a reply from the present Minister, by which you will perceive that the Imperial Government persists in its first ungracious refusal to permit the *Water-Witch* to ascend any of the rivers within its territories, except the Paraguay, and that river only as high as the port of Albuquerque. Above that point, I am reminded by the Minister that there has been no other port opened by Brazil to "*foreign commerce*", and *therefore*, I am admonished, that the river beyond can be accessible to *no foreign vessel whatever*.

You will agree with me, I am sure, as to the flimsiness of the reason assigned, and the illogical argument with which it is sought to be sustained.

It is true that the Minister very politely suggests, that although the *Water Witch* cannot be allowed to go higher than Albuquerque, and probably could not do so, if permitted, for want of sufficient depth of water, yet Lieutenant Page will not be prevented from pursuing his operations further, provided he will employ for that purpose boats of the country. But to this I have as politely answered, that the Government of the United States does not send out such an expedition without furnishing all the means necessary for its prosecution; and as to his doubt about the *Water-Witch* being able to proceed above the point indicated, I have begged leave to remark to His Excellency that that is a question to be determined only by one of those practical experiments which are among the objects of the expedition!

The fact is, I consider it very doubtful whether the territorial possession of Brazil includes both sides of the river at Albuquerque. Bolivia claims title, and actually to hold, the right bank of the Paraguay, and to the middle

<sup>1</sup> See above, this part, doc. 645. The notes are not included in this publication; and neither is his No. 54, which, in addition to forwarding a copy of the Brazilian government's note regarding the explorations of the *Water Witch*, is chiefly concerned with internal conflicts in Argentina.

<sup>2</sup> Since the substance of these enclosures appeared to be adequately incorporated in the despatch, they were not copied for this publication.

of the channel, below that point. This is according to the old boundary established by treaty between Spain and Portugal. And Bolivia is cordially disposed to afford every privilege and facility to this surveying expedition.

For this reason I was cautious, in my note of the 21<sup>st</sup> of September, to commit myself no further than to engage, on the part of the United States, for a respectful observance of any rule established by Brazil in regard to *that portion* of any river which "flows *entirely within her jurisdiction.*" With a view, too, to what may become the Amazon question, I put in also the further saving clause, that it must be a river "*having its sources within her territory.*" I suppose that this, if nothing else does, may provoke a reply to my last note. This Government is full of jealousy, suspicion and fear, on account of apprehended encroachments by our people, through both the rivers, Amazon and La Plata.

I leave the subject thus with M<sup>r</sup> Trousdale. It is possible a more gracious answer may be sent after what I have last written has been considered.

I have transmitted to Lieutenant Page copies of all the correspondence having relation to his expedition.

I have the honor [etc.].

## 652

*Antonio Paulino L. de Abreu, Minister of Foreign Affairs of Brazil, to Robert C. Schenck, United States Minister to Brazil*<sup>1</sup>

[TRANSLATION]

C<sup>83</sup>

RIO DE JANEIRO, October 5, 1853.

The undersigned, of the Council of His Majesty, the Emperor, Minister and Secretary of State for Foreign Affairs, has the honor to acknowledge receipt of the note which Mr. Robert C. Schenck, Envoy Extraordinary and Minister Plenipotentiary of the United States of America, addressed to him, under date of the 21<sup>st</sup> ultimo, in reply to that of the undersigned, dated the 16<sup>th</sup> ultimo,<sup>2</sup> and, having brought it to the attention of His Majesty, the Emperor, is in position to reply to Mr. Schenck.

Mr. Schenck is good enough to inform the undersigned in his note referred to that he will communicate to the President of the United States the account of the application which it was his duty to make to the National Authorities of Brazil, and the want of success which has attended that application. The undersigned begs that Dr. Schenck will permit him to refer to the reasons and considerations which he stated in his note of the 16<sup>th</sup> of September, and to express the hope cherished by the Imperial Government that the President of the United States will duly appreciate the justice of the principles on

<sup>1</sup> Despatches, Brazil, vol. 20, enclosed with Schenck to the Secretary of State, below, this part, doc. 653.

<sup>2</sup> Neither of these two notes is included for reasons explained in note 2, p. 437, above.

which its decision was based, and will acknowledge that the Imperial Government agreed without any hesitation to aid the mission of Lieutenant Page, commander of the steamer *Water Witch* of the United States Navy, by means which were compatible with the enforcement of the laws and regulations promulgated for the conservation of the interests of the country.

In this conviction, the Imperial Government also hopes that Lieutenant Page, commander of the war vessel *Water Witch* has received instructions from his Government to respect the jurisdiction which the Government of Brazil has on the Paraguay River and on some of its important tributaries, which not only rise in Brazilian territory, but the courses of which lie entirely in it, as well as the jurisdiction which it has on two other tributaries of less importance, which rise in Bolivia, but which cannot be navigated without passing through others entirely subject to the jurisdiction of the Empire, which owns both banks of the Paraguay up to *Bahia Negra*, which is situated far below *Albuquerque*, the only port which the Imperial Government has judged it advisable to establish up to the present.

The undersigned renews to Mr. Schenck [etc.].

## 653

*Robert C. Schenck, United States Minister to Brazil, to Antonio Paulino L. de Abreu, Minister of Foreign Affairs of Brazil*<sup>1</sup>

D<sup>83</sup>

RIO DE JANEIRO, October 7, 1853.

The undersigned, Envoy Extraordinary and Minister Plenipotentiary of the United States, has the honor to acknowledge the receipt of the note of H. E. Antonio Paulino Limpo de Abreu, of the Council of H. M. the Emperor, Minister and Secretary of State for Foreign Affairs, dated the 5<sup>th</sup> Instant,<sup>2</sup> in answer to that which the undersigned addressed to His Excellency on the 21<sup>st</sup> of last month.

In reply, the undersigned has to state, that he has communicated to his Government full and complete copies of all the correspondence between himself and the Imperial Government, in relation to the surveying expedition of the *Water Witch*, and the undersigned doubts not but that the President of the United States will give fair and just consideration to the motives and reasons assigned for the resolution of the Imperial Government in this matter. The President will also duly appreciate the co-operation which has been extended to the enterprise of Lieutenant Page, by such means as the Imperial Gov<sup>t</sup> has considered "only compatible with the execution of the laws and regulations promulgated with a view to consulting the interests of this country."

<sup>1</sup> Despatches, Brazil, vol. 20, enclosed with Schenck to the Secretary of State, below, this part, doc. 654.

<sup>2</sup> Above, this part, doc. 652.

But whatever may be the motives and considerations therefor, the President of the United States will certainly not be mistaken in this, that Brazil has assumed the position, that because the port of Albuquerque on the river Paraguay is the only one which she has opened to *foreign commerce*, she will therefore not consent that the steamer *Water Witch*, sent by the United States on a purely *scientific* expedition, shall ascend above that point.

As to the particular instructions which Lieutenant Page may have received, or been directed to observe, in the prosecution of the service in which he is engaged, the undersigned is not informed, and cannot answer. But the undersigned is very confident that whether in relation to his respecting what may appear to be the proper jurisdiction and territorial possession of Brazil, or any other thing connected with the due performance of his duties, no instructions have been given to that officer which are not perfectly consistent with a just regard for the rights and dignity of the Imperial Government, with which the Government of the United States desires ever to maintain the most friendly relations.

The undersigned avails himself of the occasion [etc.].

## 654

*Robert C. Schenck, United States Minister to Brazil, to William L. Marcy, Secretary of State of the United States*<sup>1</sup>

[EXTRACT]

No. 83

RIO DE JANEIRO, *October 7, 1853.*

SIR: . . . Among other matters upon which I may be able to give some possibly useful information, is the state of feeling here in regard to the opening of the navigation of the river Amazon. I do not know what instructions on the subject have been given to my successor; but I am satisfied that a time is approaching, and influences are at work, which may likely render successful ere long a judicious movement upon that question. I have not been able hitherto to make an impression on this Government favorable to a liberal view and appreciation of the interest that Brazil has in such free navigation; but I have had much and free conversation with many Brazilian citizens, private persons and officials; and I find a considerable number among them well disposed towards so progressive a measure. Just at this moment, and especially within a few days past, there has been an unusual degree of excitement on the subject, occasioned by the republication of articles from the press of the United States, which I have caused to be furnished to the Editor of one of the Journals of this city; and the discussion

<sup>1</sup> Despatches, Brazil, vol. 20.

The omitted portion relates to his audience, granted upon his taking leave.



thus produced is enlightening the public mind, and preparing it to sustain and demand a policy that would open the interior of this great Empire, with its abundant resources, to the commerce of the world. In the mean time there remains a great jealousy and fear to overcome, on the part of a large portion of the Brazilian population and their Government, who believe, or affect to believe, that it is conquest and not trade that the people of the United States desire.

As I predicted the other day, in my No. 82,<sup>1</sup> my allusion to Brazilian jurisdiction upon the rivers at the south, in my last note in relation to the surveying expedition of the *Water Witch*, has brought another reply from the Minister for Foreign Affairs. I had supposed, however, it would be reserved for Mr Trousdale. I send copies of the Ministers note and my answer to it (marked C<sup>83</sup> and D<sup>83</sup>).<sup>2</sup> This I presume closes the correspondence. You will observe that this Government feels where the weak point is, by its volunteering to assert and defend its possessions on *both* banks of the Paraguay down to and below Albuquerque, when my remark, in my note of the 21<sup>st</sup> of September,<sup>3</sup> was only general, and I had written nothing whatever on that particular question!

I have the honor [etc.].

655

[ENCLOSURE]

M<sup>2</sup> *Minute of interview of October 28, 1853.*<sup>4</sup>

On this 28<sup>th</sup> day of October 1853 I met the Brazilian Secretary of Foreign Affairs at his chambers, by appointment, and had with him an interview of about an hour and a half upon matters affecting the Governments of the United States and Brazil. I stated as a change in the ministry had recently taken place, in Brazil, I had no knowledge of what the sentiments of the Government now were on the subject of treating with the Government of the U. States; the late Ministry had been opposed to that measure, but hoped that this might view the subject differently.

I was told that the present Government of Brazil entertained similar views to the one just gone out, upon the subject of treaties, and would pursue the same policy, legislating in such a manner as to place all nations on the same footing.

I stated that the commerce of the Governments of Brazil and the United States with each other was considerable; that we had purchased of the Coffee of Brazil the last fiscal year more than ten millions dollars worth,

<sup>1</sup> Above, this part, doc. 651.

<sup>2</sup> See both of these notes above, this part, docs. 652 and 653.

<sup>3</sup> Not copied for this publication for reasons explained in note 2, p. 437, above.

<sup>4</sup> Despatches, Brazil, vol. 21, enclosed with Trousdale to the Secretary of State, below, this part, doc. 656.

which has been landed in the Custom House free of duty, while we had sold to Brazil commodities to between two and three millions only, on which we had paid a high duty; that their Consuls in the United States were placed upon a footing with those of the most favored nations, while our interests in Brazil were at the discretion of that Government, and that our people were often subjected to wrongs, hardships and delays without the means of redress; that we wished a treaty of amity, commerce and navigation, distinctly laying down our rights.

I was told that if they treated with us, the Government of Great Britain, they had every reason to believe & fear, would not only ask for one also, but would insist on it, without revoking the bill introduced by Lord Aberdeen in 1845, containing a clause giving the British the right to search vessels under Brazilian colors on the sea, and against which bill the Brazilian Government at that time protested, and for this reason a treaty with the United States had always been delayed or prevented. I insisted that this was a matter of our own, and that I thought our measures should be taken regardless of Great Britain, and that such a reason for refusing a treaty with the U States was insufficient.

I then stated that the Navigation of the Amazon was an object of much interest with the people of the United States; that they had commercial relations with several of the Spanish Republics situated on the head waters of the Amazon, and that they wished to carry on that trade upon the waters of that great River, and that we desired to do so by the free consent of the Brazilian Government; but in the meantime we did not place our right to navigate that stream upon the ground of a treaty, but that we viewed it as a natural right, as much so as to navigate the Ocean, and that the law of Nations and the practice under it as adopted by the Confederated Sovereigns of Europe assembled in convention at Vienna, in 1815, and still acted upon, was a case in point.

In answer to this I was told that the Brazilian Government considered that they had a right to exclude all nations from the navigation of that river, or that portion of it running through the Empire, with the exception of those republics at its head waters, and even they could be excluded, unless some agreement had been entered into— I asked whether to restrict, would not be as far as they ought to go in that case? to which I was answered, that they could exclude us from its use. However His Excellency requested that as these were grave questions, that I would make a note of them in writing, and he would lay it before his Government for consideration, and here the interview ended.<sup>1</sup>

<sup>1</sup> Not signed; but in Trousdale's despatch below, this part, doc. 656, he identifies the memorandum as his own.

## 656

*William Trousdale, United States Minister to Brazil, to William L. Marcy, Secretary of State of the United States*<sup>1</sup>

[EXTRACT]

No. 2

RIO DE JANEIRO, *November 18, 1853.*

SIR: . . . I addressed a note to the Secretary of Foreign Affairs, on the 24<sup>th</sup> October last, asking a personal interview with him on matters connected with my mission; His Excellency replied to my note, on the 26<sup>th</sup> ulto. appointing the 28<sup>th</sup> ulto. at 12 o'clock at his residence, for the meeting; I send copies marked K<sup>2</sup> & L<sup>2</sup>.<sup>2</sup> At the time appointed, I attended accompanied by the Secretary of Legation, M<sup>r</sup> Jones, who acted as interpreter on the occasion; the Secretary of Foreign Affairs was attended by his chief-clerk Joaquin Maria Nascenes de Azambuja; directly on my return to the Legation, I reduced the conversation to writing of which I send you a copy marked M.<sup>2</sup><sup>3</sup> At the conclusion of this interview, His Excellency remarked that these were important matters, which we had been discussing, and requested me to reduce my propositions to writing, so that he could lay them before the Government, which he would do with much pleasure; accordingly on the 31<sup>st</sup> of October last I sent to the office of the Secretary of Foreign Affairs, the note and statement, copies of which you will find marked N<sup>2</sup> & O<sup>2</sup>.<sup>4</sup> This statement was intended to contain what I had said in the interview with the Secretary of Foreign Affairs, and nothing more; nothing further on this subject has transpired; you will see from these copies that the Government of Brazil, is still unwilling to treat with us, and that the policy of the new Ministry will be similar to that, of those, who have recently retired from office; you will also perceive that the Government of Brazil contend for the right to exclude the United States, and all other countries, from the Navigation of the River Amazon, as they have heretofore done; in my interview with the Secretary of Foreign Affairs, I claimed for the United States, under the law of Nations, and by the practice in Europe, the right without treaty, to navigate the River Amazon, for the purpose of Commercial intercourse with the Spanish Republics located on the head-waters of that River; this claim appeared rather to disconcert the Brazilian gentlemen, and called forth the request to reduce my position to writing for the consideration of the Government of Brazil.

I am, Sir, [etc.].

<sup>1</sup> Despatches, Brazil, vol. 21.

<sup>2</sup> Since the purport of these two notes is clearly indicated in the despatch, they have not been included in the present publication.

<sup>3</sup> Above, this part, doc. 655.

<sup>4</sup> Not included, for the reason indicated in the first clause of the next sentence.

*Francisco de Carvalho Moreira, Brazilian Minister to the United States,  
to William L. Marcy, Secretary of State of the United States*<sup>1</sup>

[TRANSLATION]

WASHINGTON, November 28, 1853.

The Undersigned, Envoy Extraordinary and Minister Plenipotentiary of His Majesty the Emperor of Brazil, has learnt officially, that in consequence of orders issued by the Department of State, to which the Hon W. L. Marcy Secretary of State of the United States, alluded in his note of the 23<sup>d</sup> of September last,<sup>2</sup> the Ex-Collector of the New York Custom-house has requested of the Brazilian Consulate in that city, datas and information, relative to the projected expeditions to the Amazon, which the Undersigned had denounced to the government at Washington, in his note of the 15<sup>th</sup> of August,<sup>3</sup> requesting that measures might be adopted against such criminal attempts.

The undersigned continues<sup>4</sup> to harbor the intimate conviction that these expeditions, or any other speculating adventurers, so far from meeting with the least encouragement on the part of the government of the United States, would, on the contrary, be restrained in their plans of aggression against the territory of Brazil, with all the rigor of the laws of the country, whose aim is, to maintain the rights of friendly nations unhurt.

But, as some time after the aforesaid note of the 23 of September, it happened that another person was appointed in the place of the aforesaid collector, and as it is possible that the new functionary, in the midst of the various occupations appertaining to his laborious office, may not have paid attention to these instructions, issued previously to his appointment, and having relation to a special object, the Undersigned deems it his duty to address himself again to the Hon Mr. Marcy, begging H. E. to be pleased to renew to the present Collector the orders which had been transmitted to his predecessor, in the execution of which, the supervening change aforesaid may have occasioned some involuntary neglect.

Besides this motive, there is the additional reason of its having been announced a few days since, in two newspapers of this country, the Baltimore "Sun" of the 19th instant, that a company has been organized in New York, with a capital of \$100,000 there being already in process of construction and almost completed, a steamer that is destined for the upper waters of the Amazon. This fact, which is moreover very probable, taking into considera-

<sup>1</sup> Notes from Brazil, vol. 3.

<sup>2</sup> This evidently refers to the note of September 22, 1853, above, pt. III, doc. 485.

<sup>3</sup> Above, this part, doc. 645.

<sup>4</sup> This word "continues" is not in the translation, apparently made contemporaneously in the Department; but the omission is doubtless inadvertent. A more faithful translation of the Portuguese would be "The undersigned continues in the intimate conviction" etc.

tion the preceding circumstances already known to the Hon Mr. Marcy appears to the undersigned to deserve the serious attention of H. E. in order that the executive authorities may keep it in view, in the adoption of ulterior measures; to which authorities, the Undersigned hopes, the Hon Mr. Marcy will be pleased to transmit his determination, and point out any other measures the wisdom of the government of Washington may think proper to take in order to deprive such enterprises of every pretext they could possibly set up.

The Undersigned avails himself of this occasion [etc.].

## 658

*Francisco de Carvalho Moreira, Brazilian Minister to the United States, to William L. Marcy, Secretary of State of the United States*<sup>1</sup>

[TRANSLATION]

WASHINGTON, January 16, 1854.

The Commander Carvalho Moreira, Minister of Brazil, presents his compliments to the Honorable W. L. Marcy, Secretary of State of the United States, and has the honor of transmitting to H. E. an authentic copy of the Despatch of November 7, 1853, which, by order of his government, he has already communicated to H. E. at the interview of the 12<sup>th</sup> instant.

The Minister of Brazil avails himself of this occasion, [etc.].

## 659

*Antonio Paulino L. de Abreu, Minister of Foreign Affairs of Brazil, to William L. Marcy, Secretary of State of the United States*

RIO DE JANEIRO, November 7, 1853.

The Treaties on the free navigation of the Rivers Parana and Uruguay concluded at S José de Flores, on the 10<sup>th</sup> of July of the present year by General Urquiza, as provisional Director of the Argentine Confederacy, with the Plenipotentiaries of England and of France, and on the 27<sup>th</sup> of the same month, with the Plenipotentiary of the United States, called for the protest of the 31<sup>st</sup> of last August, on the part of the Government of Buenos Ayres,<sup>2</sup> which was transmitted with a separate note, to the Government of Her Britanic Majesty, to the Emperor of the French, and to the President of the

<sup>1</sup> Notes from Brazil, vol. 3.

<sup>2</sup> This protest is appended to a note of September 30, 1853, from the Minister of Foreign Affairs of Buenos Aires to the Secretary of State of the United States, in vol. 1, pt. II, doc. 259.

United States, as the government of His Majesty the Emperor of Brazil, our august Sovereign, was informed, by the Minister and Secretary of State of the Department of Government of Foreign relations of the Province of Buenos Ayres, in a note dated the 31<sup>st</sup> of the same month of August enclosing a copy of the treaties alluded to and another of the protest aforesaid.

After this, the Government of Buenos Ayres published, under date of the 28<sup>th</sup> of September last, a Memorandum the object of which was to confirm and to set forth the principles upon which the protest was founded, and to insist upon the justice of the conclusions established therein. You will find, accompanying this, the documents to which I refer.

I deem it my duty to call your attention to the stipulations contained in articles 5<sup>th</sup> 6<sup>th</sup> and 7<sup>th</sup> of the treaties. These stipulations if not rationally understood, according to the imprescriptive rules of justice and the principles of universal public law, may prove detrimental to the rights which Brazil possesses as a Sovereign Nation; and, for this reason, it is important not to allow them to pass unnoticed, in order that they may never be cited as precedents, subscribed to and recognized by the Government of H. M. the Emperor.

The 5<sup>th</sup> article says—"The high contracting parties, considering that the Island of Martin Garcia may, on account of its position, embarrass and prevent the free navigation of the confluent of Rio da Prata, agree to use their influence, in order that the possession of said island shall not be kept nor maintained by any State of Rio da Prata, or of its confluent which has not given its adhesion to the principle of free navigation."

The Government of H. M. the Emperor does not believe that, in the provision of this article, the Government of the United States has had in view to deprive of the sovereignty of the Island of Martin Garcia, one of the two States of Rio da Prata, which may dispute the same, viz,—the Province of Buenos Ayres and the Oriental Republic of Uruguay; and even less does it believe that said government will exercise its influence, in order that the sovereignty of the island in question shall devolve upon a European power, or upon the United States of North America, in the supposition that neither of the states of Rio da Prata or of its confluent, should wish to adhere to the principle of the free navigation of their inland rivers.

The injustice, in that case, would be as manifest as it would be scandalous. The states of Rio da Prata and its confluent have the power to grant or to refuse the navigation of their inland rivers, to those nations that are not on the borders. It is a right that belongs to them and which they can exercise, regarding only their interests and circumstances. To pretend that the preservation of a right must rest upon the fulfilment of a forced obligation, which is not conventional in favor of other nations, and moreover, to threaten with a loss of territory the state which does not wish to subject itself to such an obligation, would be the most intolerable abuse of power, and the Government of His Imperial Majesty is convinced that this proceeding is repugnant

to those principles of sound policy which govern the actions of the Government of the United States.

The 6<sup>th</sup> article provides as follows—"If it should happen (What may God forbid) that there is war between any of the States, Republics or Provinces of Rio da Prata, or of its confluent, the navigation of the rivers Paraná and Uruguay, shall remain free to the merchant flags of all nations. There shall be no exception to this principle, save with regard to ammunitions of war, such as, arms of all kind, powder, lead and cannon balls."

The Government of H. M. the Emperor takes it for granted that this provision is only obligatory upon the government of those states that have been parties to the treaty.

Because the Imperial government cannot renounce the right which belongs to Brazil as a Sovereign nation, to exercise the right of blockade, without restriction of places, in all cases when (which May God never allow to happen) the exercise of such right is authorized by the principles of the law of nations, and by the practice of nations.

The Government of Brazil, however, has already shewn that it will never resort to this means, so injurious to the commerce of neutrals, and sometimes of doubtful efficacy, except when it cannot absolutely avoid it, or when it is necessary for the vindication of its rights. The remembrance of the war which the Government of Brazil was obliged to sustain against the Dictator Rosas, must be yet fresh in the memory. This war terminated gloriously for Brazil and her allies, without the measure of blockade having been resorted to, at any time. It is a precedent which does us honor, and which is also a proof and a guaranty of the liberal and just policy that the Government of H. M. the Emperor would pursue in similar cases.

Finally the 7<sup>th</sup> article says—"The power is expressly reserved to H. M. the Emperor of Brazil, and to the governments of Paraguay, of Bolivia and of the Oriental State of Uruguay, to become parties to the present treaty, in case they should be disposed to apply the principles of said treaty, to those parts of the rivers Paraná Paraguay and Uruguay in which they respectively possess fluviatic rights."

Setting aside the additional article of the preliminary Peace Convention of August 30<sup>th</sup> 1828, the Government of the United States knows that by the 18<sup>th</sup> article of the Convention of May 29<sup>th</sup> 1851, and by the article 14, of the Convention of November 21<sup>st</sup> of the same year, it is stipulated and acknowledged that the Empire of Brazil, the Argentine Confederacy, and the Oriental Republic of Uruguay, have a right to the free navigation of the rivers the borders of which are occupied by these nations, without any other clause or condition than those which were established by the Regulations for the policy and safety of said navigation.

It is therefore beyond doubt that these stipulations subsist in all their plenitude and vigor; that the treaties concluded at S. José de Flores can pro-

duce no change in the same, and that, consequently the exercise of the rights recognized in the Empire, by former compacts, cannot be subjected to new conditions introduced without the voice and without the consent of the Imperial Government.

Such, Monsieur le Ministre, is the opinion of the Government of H. M. the Emperor, concerning the treaties I have alluded to, and it is proper that you should thus state it to the government of the United States. Endeavoring to obtain for that purpose a conference with the Secretary of State, to whom you may give a copy of this despatch.

May God have you in his keeping.

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*Antonio Paulino L. de Abreu, Minister of Foreign Affairs of Brazil, to the Diplomatic Corps*<sup>1</sup>

[CIRCULAR—TRANSLATION]

RIO DE JANEIRO, January 19, 1854.

The Undersigned, Minister and Secretary of State for foreign affairs, has been directed by H. M. the Emperor, His August Sovereign, to make the following communication to the Diplomatic Corps.

When, by the Preliminary Convention of Peace concluded between the Empire of Brazil and the Argentine Republic, on the 27 of August 1828, the new State, which took the name of the Oriental Republic of Uruguay, was created, the necessity of foreign intervention and protection, for the purpose of consolidating peace, and of establishing and maintaining a regular government in that country, was recognized by the two High contracting Parties, and by Great Britain who took part in those agreements.

In that convention, various stipulations were adopted, the object of which, was to provide for the necessity which had been recognized. By the 4<sup>th</sup> 5<sup>th</sup> and 6<sup>th</sup> articles, provision was made for the free election of Representatives, and the formation of a provisional government by them; the 7<sup>th</sup> article imposed upon them the obligation of forming a political constitution, which, before being sworn, was to be examined by Commissioners of the Contracting Governments; the 9<sup>th</sup> article sanctioned the absolute and perpetual oblivion of all previous acts and opinions; and finally by the 10<sup>th</sup> article, there was stipulated the intervention of the contracting governments, during five years, in favor of the legitimate government, whenever the public safety and tranquillity might be disturbed by Civil War.

<sup>1</sup> Notes from Brazil, vol. 3, enclosed with the note of April 15, 1854, to the Secretary of State, which see below, this part, doc. 664. A copy of the same, in Portuguese, is with the file copy of Trousdale's No. 5, to the Secretary of State, below, this part, doc. 662.



The civil war, which was apprehended, appeared; But, in as much as the intervention was to be the collective action of the two contracting governments, as the means for carrying out the same had neither been provided for nor defined, and as the views of those whose duty it was to effect it, did not harmonize, in consequence of the well known projects of the Dictator Rosas, from the moment that he assumed the government of Buenos Ayres, the intervention did not take place, and the civil war assumed the aspect and produced the complications, which gave cause for the mediation of France and of England in 1842, and the intervention of those two powers since 1845.

The sufferings which this lamentable state of things entailed upon Brazil, at last became intolerable.

The constant agitation in which her southern frontiers were kept, obliged the government to maintain considerable forces there, on a footing of war, at an enormous expense and sacrifice.

Brazilians established, in great numbers, in the Oriental State, were vexed and oppressed in their persons, and ruined in their properties.

The Political interest that Brazil had and continues to have in the preservation of the independence of the Oriental State, which had been compromised during all this time, was already on the point of being lost.

As the acme of so many evils, the absorption of the Oriental State by the Dictator Rosas, placed the Empire in danger of immediate war, a war which was already announced, and which was absolutely inevitable.

In this situation, the Brazilian Government resolved to adopt precautionary measures, and organized for that purpose, the coalition of 1851, which liberated the Oriental State, and put an end to the tyranny of D João Manoel de Rosas in Rio da Prata.

The Oriental State, although entering upon the enjoyment of its liberty, found itself in a deplorable condition.

The country had been devastated and the City of Montevideo had sacrificed all that a people can sacrifice, during her long and heroic defense. The population had been so much reduced, that the Republic hardly numbered one hundred and thirty thousand inhabitants.

The raising of cattle which is the only business carried on there, was almost completely ruined, in consequence of the destruction of cattle.

Capital had disappeared.

Habits of industry were forgotten.

The public domain and the public revenue had been for a long time alienated; a relatively enormous debt weighed upon them, which had been contracted to the amount of more than forty millions of dollars, and a great portion of the population claimed from the government, subsistence, rewards or indemnities.

The Envoy Extraordinary and Minister Plenipotentiary of the Republic at this Court, in presenting this gloomy picture, and setting forth with it, the

dangers which the very nationality of his country would incur, unless strongly and generously assisted, solicited from the government of Brazil the assistance which the latter needed.

The same minister proposed and submitted the projects of treaties which were concluded on the 12<sup>th</sup> of October 1851. These treaties, which disposed of the pending questions between the two countries, as the means of effecting a solid alliance, founded this alliance upon the same bases of the convention of 1828, developing the same more fully and completing them. By the 5<sup>th</sup> and 6<sup>th</sup> articles of the treaty of Alliance of 1851, the cause which had rendered impracticable the intervention stipulated in the 10<sup>th</sup> article of the convention of 1828, was removed. The action of the government of Brazil was not left dependent upon the will of the Argentine government; but, at the same time, the Argentine government was not excluded, nor was the position given to it by the convention of 1828 altered.

The text of article 14 of the Treaty of Alliance of October 12, 1851, reads thus—that the two high contracting parties shall invite the Argentine States to accede to the foregoing stipulations and to form part of the alliance on terms of the most perfect equality and reciprocity. Following thus, with scrupulous fidelity, the policy of the convention of 1828, Brazil freely gave that protection which she was allowed to extend to the Oriental State. Unfortunately her intentions were not well appreciated by those who assumed the direction of public affairs in that country, nor was the peculiar position of the country well understood by them. The very treaty stipulations which guaranteed the rights of all the inhabitants natives and foreigners:—those which established the bases for the restoration of public credit, guaranties of peace and confidence in the future of the country, were still less appreciated.

It was during this state of things, that a political change took place in that country. The country seemed to accept this change, nor was an effort made to sustain the cause of S<sup>r</sup> D Juan Francisco Giro, for the Presidency.

Brazil did not consider herself obliged to assume the position for a principal party, for the purpose of undertaking an unjustifiable war, with a view of re-establishing that Presidency.

It was so declared to S<sup>r</sup> Giro by order of the Imperial Government, when he requested the aid of troops from the Resident Minister of Brazil at Montevideo.

After this declaration some of the leaders took up arms and threw themselves into the midst of civil war.

The arms of the Provisional Government triumphed at every point, where they came in contact with those of their opponents, and the only result of this painful trial was the loss of many lives and no advantage to the cause of S<sup>r</sup> Giro.

But during the three months that the struggle lasted, the condition of the Republic became considerably worse.

The population, already so much diminished, suffered a loss exceeding fifteen thousand able-bodied persons.

The emigrants who were wont to come to settle in the Republic have sought other destinations.

Capital, which had began [*sic*] to make its appearance, has again been withdrawn.

Commerce is paralyzed.

The revenues, otherwise scarce, are being wasted by means of onerous anticipations.

The public debt is increasing more and more.

The creditors of the State, among whom are to be found foreigners of various nations see the hopes of being paid, reduced.

And what is probably worse than all, the passions and animosities of the community are becoming more and more embittered, on account of the proscription of men, the sequestrations of property, and violence of every kind.

In this state of things, which is evidently compromising the national existence of that Republic, because it destroys all the elements of political and even of social life, the aid of Brazil, solicited, in the first instance for the purpose of placing Sr. Giro in the Presidency, was afterwards requested by the Provisional Government, and invoked by all the peaceful inhabitants with [without?] any distinction of party.

These requests were founded in the text of the Treaties of 1851, and the government of Brazil has its honor pledged to see the policy of these treaties carried out.

In this case, her honor and her interest harmonize happily, not only with every sentiment of humanity, but also with the interests of all those nations, that have subjects or commercial relations in the Oriental Republic.

The Brazilian Government, therefore, in view of the grave considerations which have been set forth, was induced to intervene in the affairs of the Oriental State.

The Brazilian Government trusts that it will not have to employ its forces, except upon a requisition of the government of the Oriental State, but, under whatever circumstances it may be called upon to do so, its object will never be other than to secure the existence of the aforesaid State,—the exercise of the rights of all its inhabitants,—peace and the public welfare, and the establishment of a regular and lasting government, thereby carrying out the policy shadowed forth in the treaty of alliance of October 12, 1851.

The Imperial Government thinks that this intervention, the justification of which is to be found in the convention of August 27, 1828, in the treaties of October 12, 1851, and in the Cardinal interests of the Empire, jeopardized by the constant agitation of Southern frontiers, and by other causes, will be received by the governments of friendly nations, as a fortunate occurrence

for humanity afflicted by so many civil wars, and for commerce and navigation which have been so continually and directly thwarted by that scourge.

The government of Brazil seeks not to obtain, for itself, under any circumstances, an undue predominacy [predominance?] in the Oriental State, and will leave the aforesaid State in the same position, which was assigned to it by the convention of 1828, and the treaties of 1851.

The government of Brazil will therefore confine itself to re-establish and consolidate peace, and to solicit, guaranty, and aid in the establishment of order and of a regular and lasting government, which shall give guaranties to all the inhabitants, and present the bases for developing the elements of prosperity with which the country abounds, thereby acquiring conditions of solid and complete independence.

The Government of Brazil does not aspire to any territorial increase, and considers and solemnly declares those to be the definite boundaries between the empire and the Oriental State, which have been fixed in the treaty of October 12, 1851. Finally, the only aim of the government of Brazil, in the policy it has prescribed for itself, being to save the Oriental State, to strengthen and to consolidate its independence, will not refuse the co-operation of any power, that may wish to consult it, as to the means of achieving the ends proposed.

The Undersigned hopes that Mr. .... will forward this communication to his Government, as an evidence of consideration and deference on the part of the Imperial Government, and he avails himself of this occasion [etc.].

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*William Trousdale, United States Minister to Brazil, to Antonio Paulino L. de Abreu, Minister of Foreign Affairs of Brazil*<sup>1</sup>

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RIO DE JANEIRO, January 21, 1854.

The undersigned Envoy Extraordinary and Minister Plenipotentiary of the United States, has the pleasure of informing His Excellency Antonio Paulino Limpo de Abreu [Abreu], of the Council of His Majesty the Emperor, Minister and Secretary of State for Foreign Affairs, that he has received a copy of the Circular, bearing date the 19<sup>th</sup> inst.<sup>2</sup> relative to the Oriental Republic, issued by the Imperial Government of Brazil, which he will transmit to the Government of the United States with as little delay as practicable.

The undersigned avails himself of this occasion [etc.].

<sup>1</sup> Despatches, Brazil, vol. 21, enclosed with Trousdale to the Secretary of State, below, this part, doc. 662.

<sup>2</sup> Above, this part, doc. 660.

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*William Trousdale, United States Minister to Brazil, to William L. Marcy, Secretary of State of the United States*<sup>1</sup>

[EXTRACTS]

No. 5

RIO DE JANEIRO, *February 14, 1854.*

SIR: . . . I enclose you a copy of a Circular marked H<sup>5</sup> from the Secretary of Foreign Affairs, dated 19<sup>th</sup> ultimo,<sup>2</sup> explaining the motives and giving the reasons for the interference of the Imperial Government in the affairs of the Oriental Republic, and a copy of my reply to the Secretary marked I<sup>5</sup><sup>3</sup> I learn that the Imperial Government has invited the United States, England and France to assist them in this enterprise. . . .

I have the honor to inform you that I went to the office of the Secretary of Foreign Affairs, about two weeks ago, to ascertain what action, if any, had been taken on the propositions I had submitted to the Brazilian Government in October last, on the subject of a Treaty, and the free Navigation of the River Amazon; the Secretary was not at his office; I saw his chief-clerk to whom I stated the object of my visit; he told me that my propositions had been submitted to the Council of State, and had been acted on by that body, and that the Chairman of the Council, Viscount de Paraná had that day gone to Petropolis, where the Emperor was then residing to lay their action before His Majesty for his determination, and that I should on his return be advised of the result. I was not satisfied with the assurance of the clerk; I went directly to the residence of the Secretary, found him at home, made known the object of my visit; to which his reply was the same as that of the clerk above stated; I stated to him that I should send a despatch to the Government of the United States shortly, and that it was my wish to know their determination as soon as practicable, that I might communicate it to my Government. In answer to which he stated, that the questions were important and should be well considered, but that I should be notified of their determination before the departure of the next Packet for England; to this answer I signified my assent, and took leave of His Excellency. I waited patiently expecting to be furnished with a final decision to those questions in time to send it by this despatch, but I regret to inform you that I have heard nothing from His Excellency on that subject since. From the difficulty that these questions present to the Government here, I entertain a hope that they may ultimately be rightly determined; it is evident that they are reluctant to determine them in the negative. . . .

I have the honor, at the request of Señor V. de Angelis, to enclose you a Pamphlet on the subject of Pepy's Island,<sup>4</sup> which it is the wish of M<sup>r</sup> de

<sup>1</sup> Despatches, Brazil, vol. 21.

The omitted portions deal chiefly with difficulties encountered by United States vessels.

<sup>2</sup> Above, this part, doc. 660.

<sup>3</sup> Above, this part, doc. 661.

<sup>4</sup> The pamphlet regarding Pepy's Island is with the file copy of the despatch. Not included in this publication.

Angelis to sell to the Government of the United States; you will learn the history and locality of the Island from the Pamphlet; there seems to be some doubt among navigators as to the existence of this Island, but M<sup>r</sup> de Angelis fixes the latitude and longitude of it with great particularity.

I am, Sir, [etc.].

## 663

*William Trousdale, United States Minister to Brazil, to William L. Marcy  
Secretary of State of the United States*<sup>1</sup>

[EXTRACT]

No. 6

RIO DE JANEIRO, March 14, 1854.

SIR: I have the honor to inform you that nothing of much interest has happened here, since my despatch of the 14<sup>th</sup> ultimo.<sup>2</sup>

The Government of Brazil remains silent upon the subject of the free navigation of the River Amazon; I have learned indirectly that the Council of State, advised the free navigation of that river; and in that shape it is still before the Emperor for his action, and has been for the last six weeks. This delay indicates some difficulty, which I doubt not is enhanced by the repeated rumors which arrive here, of an intended attempt to navigate the Amazon by a company in New York, without authority from any quarter. I am told that two regiments of Infantry are stationed at Pará, for the purpose of guarding the Amazon, against all such attempts. . . .

I am, Sir, [etc.].

## 664

*Francisco de Carvalho Moreira, Brazilian Minister to the United States, to  
William L. Marcy, Secretary of State of the United States*<sup>3</sup>

[TRANSLATION]

WASHINGTON, April 15, 1854.

The Commander Carvalho Moreira, Minister of Brazil, presents his compliments to the Honorable W. L. Marcy, Secretary of State of the United States, and has the honor of enclosing to H. E. an authentic copy of the circular of the Minister of Foreign Relations of Brazil, dated the 19<sup>th</sup> of January last,<sup>4</sup> of which he has already informed H. E. verbally, at the conference of the 11<sup>th</sup> instant.

The Minister of Brazil avails himself of this occasion [etc.].

<sup>1</sup> Despatches, Brazil, vol. 21.

<sup>2</sup> Notes from Brazil, vol. 3.

<sup>3</sup> Above, this part, doc. 662.

<sup>4</sup> See above, this part, doc. 660.

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*William Trousdale, United States Minister to Brazil, to William L. Marcy, Secretary of State of the United States*<sup>1</sup>

[EXTRACT]

No. 13

RIO DE JANEIRO, *June 19, 1854.*

SIR: I have the honor to inform you that it is said here, by persons who ought to know, that a decree has been issued and signed, by which the former contracts, with Ireneo Evangelisto de Souza, President of the Amazon Steam Navigation Company, have been annulled, the Government of Brazil giving the said Company annually the sum of 450 Contos de reis, as a compensation for the same, for the period of 20 years; it is supposed their object is to open the Navigation of the River to the Americans and English.<sup>2</sup> . . .

I am, Sir, [etc.].

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*William Trousdale, United States Minister to Brazil, to Antonio Paulino L. de Abreu, Minister of Foreign Affairs of Brazil*<sup>3</sup>

RIO DE JANEIRO, *July 3, 1854.*

The undersigned Envoy Extraordinary and Minister Plenipotentiary of the United States, has the honor to inform His Excellency Antonio Paulino Limpo de Abreu [Abreu], of the Council of His Majesty the Emperor, Minister and Secretary of State for Foreign Affairs, that it has become his duty to invite the attention of the Government of Brazil, to the subject of the Exploration of the tributaries of the Rio de la Plata, and to bring the question of the privilege of ascending the River Paraguay to the head of navigation, again, to the notice of the same, and to solicit once more the approbation and co-operation of the Imperial Government to that enterprize. This subject has been ably presented by my predecessor in repeated communications to the Government of Brazil, to which the attention of His Excellency is particularly invited; the undersigned deems it useless at present to attempt further argument on the subject.

It will be remembered that the Expedition on which the "Water-Witch" has been ordered by the President of the United States, has purely for its object the advancement of commerce and promotion of science; and the enterprizing commander of the "Water-Witch," Capt. Thomas Jefferson Page, having advanced as far in the discharge of his arduous duties, into the territory of Brazil, as that Government has consented to co-operate with

<sup>1</sup> Despatches, Brazil, vol. 21.

<sup>2</sup> The omitted portion relates to commercial matters, and refers to a conversation in which it was stated that the Amazon question was before the Emperor.

<sup>3</sup> Despatches, Brazil, vol. 21, enclosed with Trousdale to the Secretary of State, below, this part, doc. 667.

said Exploration, it now becomes necessary to ask the Brazilian Government to co-operate with this enterprize to its consummation, by at least extending the facilities heretofore given, to the termination of the Navigation of the Paraguay.

The hope and belief is entertained that the Government of Brazil upon more mature reflection, will give its sanction to the complete execution of the design of the Expedition.

The undersigned hopes for an answer at an early day, and renews to His Excellency the assurances of his high esteem and distinguished consideration.

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*William Trousdale, United States Minister to Brazil, to William L. Marcy, Secretary of State of the United States*<sup>1</sup>

[EXTRACT]

No. 14

RIO DE JANEIRO, July 10, 1854.

SIR: . . . I have the honor to inform you that a communication was received at this Legation through M<sup>r</sup> Robert G. Scott Jr, Acting Consul of the United States at the port of Rio de Janeiro, from Captain Thomas Jefferson Page,<sup>2</sup> commanding the United States Steamer "Water Witch."

<sup>1</sup> Despatches, Brazil, vol. 21.

The omitted portions deal with commercial and shipping matters, etc.

<sup>2</sup> The communication from Consul Scott is quoted below, followed by its enclosure, the letter to him from Captain Page, which is undated:

*Robert G. Scott, Jr., to William Trousdale*

RIO DE JANEIRO, July 1, 1854.

SIR: I have the honor herewith to transmit to Your Excellency, papers in relation to the Exploration of the tributaries of the Rio de la Plata by Lieut: Page, commanding the United States Steamer "Water-Witch"— These papers were received by me this morning, from the hands of an officer of the United States Frigate "Savannah," and as they contain matter of interest and importance, I hasten to send them to you—

I have enclosed the original of Lieut. Page's communication, as it treats of a subject, solely diplomatic in its character, and appertaining exclusively to the United States Legation at this Court, so far as this Country and the Government of the United States are concerned in the question.

Yours respectfully.

*Lieutenant T. J. Page to Robert G. Scott, Jr.*

ASUNCIÓN, PARAGUAY.

My Dear SIR: As I do not know the name of the Gentleman who has relieved M<sup>r</sup> Schenk—as Minister to Brazil—I take the liberty of enclosing the within papers to yourself—requesting the favor of you to deliver them to him. I have left them open that you may see their contents; and in the event that the Minister has not arrived, will get the favor of you to act in the matter, as I have requested him to act.

You will see how the subject has been treated by M<sup>r</sup> Schenk; and to what conclusion the Brazilian Government had come, at that time.

Seeing in our papers some notice of a treaty having been concluded between the United States and Brazil conceding the navigation of the river Amazon; I am urged by



It will be seen that the object of Captain Page, as expressed in his letter, is to obtain the sanction and co-operation of the Government of Brazil, to the enterprize in which he is now engaged of exploring the tributaries of the Rio de la Plata, and to have the question of the privilege of ascending the Paraguay to the head of Navigation, again brought to the notice of the Brazilian Government; herewith are enclosed copies of the correspondence, marked D.<sup>14</sup> E.<sup>14</sup> No answer yet from the Brazilian Government. . . .

I am, Sir, [etc.]

## 668

*Extract of a Memorandum of a Conference between William Trousdale, United States Minister to Brazil, and Antonio Paulino L. de Abreu, Minister of Foreign Affairs of Brazil*<sup>1</sup>

RIO DE JANEIRO, July 27, 1854.

I had an interview with the Minister of Foreign Affairs, on this 27<sup>th</sup> day of July 1854, at his Office, on the subject of the Free Navigation of the River Amazon, on the privilege asked for Lieut. Page to explore the tributaries of the Rio de la Plata to the head of Navigation, on the case of the Brig "Nebo" for damages now before the Minister of Fazenda. . . .<sup>2</sup>

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every consideration of the importance of my work—the Exploration of the tributaries of the Rio de la Plata—to bring the question of the privilege of ascending the Paraguay to the head of Navigation, again, to the notice of the Brazilian Government; believing that it cannot be the fixed and determined object of that Government to arrest an expedition, having for its object, solely, the promotion of science.

To class an Expedition of this character with one of Trade and Commerce, is to subject the diffusion of science and knowledge to the scale of pounds, shillings and pence. The Brazil Government cannot possibly be serious in the objections it has brought forth— It would class her with the nations of the dark ages— Never before has the onward march of Science been arrested by any Government calling itself civilized.

Expeditions of this character, among civilized nations, even in times of war, have been considered as exempt from arrest or disturbance: Brazil will put herself, by this determined opposition to the ascent of the river, by the "Water-Witch," far behind her sister states, bordering these rivers, in point of liberality, and a proper appreciation of the objects of the Expedition: The President of the Argentine Confederation, (General Urquiza) has not only given the Expedition his sanction, but has lent it the full weight of his authority, in enjoining upon each one of the Provinces, through which my work may extend, the contribution of its aid and assistance, in any manner, that may best advance the aim and object of the Expedition.

There is neither argument nor reason in the objection made by Brazil—that there is a question of unsettled boundary between herself and Bolivia. Brazil claims the territory on both sides of the river, (however unjustly the claim may be)—and holds possession of it: now the most effectual way of establishing her claim, would be to act as though there was no contest about the matter; and as if she held undisputed right to the territory. There is no honesty in this objection; The same policy was, for a long time, pursued, touching the waters of the River Amazon; this she has yielded, I learn recently; and I hope she will not be less liberal in the navigation of those of the Rio de la Plata, over which she claims jurisdiction.

Very respectfully.

<sup>1</sup> Despatches, Brazil, vol. 21, enclosed with Trousdale to the Secretary of State, below, this part, doc. 669.

<sup>2</sup> The omitted portions relate to claims, commerce, and port regulations.

"With regard to the Navigation of the River Amazon," His Excellency observed, "that he would endeavor to have an answer ready to go by the Southampton Packet of the 14<sup>th</sup> prox<sup>o</sup> and being asked the probable purport of that answer, replied that the Government of Brazil, could not possibly open the Navigation of that River to the World immediately, but were taking the necessary steps so to do shortly.

As to the Exploration of the tributaries of the Rio de la Plata, His Excellency remarked, that he would give an answer to M<sup>r</sup> Trousdale's note, in the course of two or three days, which would be favorable to the enterprize, as the Government of Brazil was willing to allow the "Water-Witch," to ascend the River on a scientific expedition, though a commercial one would not be permitted to go up higher than Albuquerque, the port of entry. Orders would be sent to the President of the Province of Matto Grosso and other Brazilian authorities to facilitate Lieut. Page in his researches. . . .

## 669

*William Trousdale, United States Minister to Brazil, to William L. Marcy, Secretary of State of the United States*<sup>1</sup>

[EXTRACT]

No. 15

RIO DE JANEIRO, July 28, 1854.

SIR: . . . I have the honor to state, that I addressed a note to the Minister of Foreign Relations on the 24<sup>th</sup> inst., requesting an interview with His Excellency; to which His Excellency replied on the 26<sup>th</sup> informing me that I could see him at his office at half past two o'clock on the 27<sup>th</sup>; herewith are enclosed copies marked D.<sup>15</sup>E.<sup>15-2</sup>. My object in asking the interview was to enquire into the present state of the Amazon question; the prospect of obtaining the sanction and co-operation of the Brazilian Government to the Expedition of the "Water-Witch" in the waters of the Rio de la Plata; the probable fate of the case of the "Nebo"; and the construction placed by the Minister of Marine on the 63<sup>d</sup> Article of the Regulations of the Captain of the Port's Office. I addressed His Excellency upon these four topics, to which he readily replied, and on my return to the Legation, I reduced his statements to writing, of which I send you a copy enclosed.<sup>3</sup> . . .

I am, Sir, [etc.].

<sup>1</sup> Despatches, Brazil, vol. 21.

The omitted portions relate to consular or routine matters.

<sup>2</sup> Not included in this publication since their purport is adequately explained in the despatch.

<sup>3</sup> Above, this part, doc. 668, is the portion of the memorandum of this conference, which falls within the scope of this publication.

## 670

*William Trousdale, United States Minister to Brazil, to William L. Marcy,  
Secretary of State of the United States*<sup>1</sup>

[EXTRACT]

No. 16

RIO DE JANEIRO, *August 8, 1854.*

SIR: I have the honor of stating that the Imperial Government of Brazil, has through the Secretary of Foreign Relations, responded favorably to the request made by this Legation, for the privilege of exploring the River Paraguay to the head of Navigation, by the United States Steamer "Water-Witch".

That privilege is fully granted, and the President of the Province of Matto Grosso, and the other agents of the Imperial Government in that region of country, instructed to facilitate the expedition to the full accomplishment of the original design; . . .

I am, Sir, [etc.].

## 671

*William Trousdale, United States Minister to Brazil, to William L. Marcy,  
Secretary of State of the United States*<sup>2</sup>

[EXTRACT]

No. 18

RIO DE JANEIRO, *September 7, 1854.*

SIR: . . . I have been told that the President of the Council of State, Viscount Paraná, has said, that Brazil would make nothing by opening the River Amazon, to Navigation, that the charges to which it would subject the Government in the erection of Custom-Houses, and other necessary expenses, would exceed the revenue which would result from that measure, and that the better policy for the present, is to let things remain as they are; This man is said to wield the affairs of the Brazilian Government, and if we have to encounter his opposition, the probability is that the Amazon will not be opened.

The adjournment of the Legislature has been prorogued until the 12<sup>th</sup> inst.

Very respectfully [etc.].

<sup>1</sup>Despatches, Brazil, vol. 21.

<sup>2</sup>Despatches, Brazil, vol. 21.

*Antonio Paulino L. de Abreu, Minister of Foreign Affairs of Brazil, to William Trousdale, United States Minister to Brazil*<sup>1</sup>

[TRANSLATION]

RIO DE JANEIRO, *September 13, 1854.*

The undersigned, of the Council of H. M. the Emperor, Minister and Secretary of State for Foreign Affairs, has received the note which Mr. W. Trousdale, Envoy Extraordinary and Minister Plenipotentiary of the United States, addressed him under date of the 31<sup>st</sup> of October last,<sup>2</sup> marked N° 9, containing a brief statement of the points which were the subject of a conference that took place between them on the 28<sup>th</sup> of said month, and which relate to matters concerning a treaty of Commerce and Navigation between Brazil and the United States, and the navigation of the Amazon.

The undersigned thinks he will satisfy the wishes which Mr. Trousdale has, from time to time, expressed to him, by enclosing herewith a brief statement of the views entertained upon those subjects by the imperial government, and, he avails himself of this occasion, to renew to Mr. W. Trousdale, the assurances of his entire regard and distinguished consideration.

[The translation of the Foreign Minister's statement, enclosed with this note, follows]:

The government of H. M. the Emperor, with regard to what concerns the propositions of the government of the United States, to conclude a Treaty of Friendship, Commerce and Navigation with that of Brazil, persists in the determination already manifested in the note addressed to Mr. David Tod, under date of April 22<sup>d</sup> 1851.<sup>3</sup>

In the condition in which the industry of Brazil finds itself, as yet but little advanced, the imperial government thinks that the conclusion of such treaties is not, for the present, suited to the interests of the country; and then its refusal is based upon a system which, having been adopted with reference to all nations, could not be maintained, if any exceptions were made.

The imperial government does not deny the importance of the trade of Brazil with the United States, and the great consumption which takes place in said States, of one of the principal articles of produce of the former, coffee which is imported duty-free. Fully convinced of the advantages which would accrue to Brazil from a greater development of that trade, the imperial government is disposed to facilitate the development aforesaid, by every means in its power, independent of treaties. This subject will be

<sup>1</sup> Despatches, Brazil, vol. 21, enclosed with Trousdale to the Secretary of State, below, this part, doc. 673. In subsequent correspondence, Antonio P. L. de Abreu bears the title of Visconde de Abaeté.

<sup>2</sup> The text of this note was not transcribed for this publication because it repeated the contents of Trousdale's memorandum of the conference of October 28, 1853, which see above, this part, doc. 655.

<sup>3</sup> Not included in this publication since it was predominantly commercial in character.

considered in the Tarif; the reform of which has been confided to the care of the Council of State.

With regard to what concerns the free navigation of the Amazon, which Mr. Trousdale declares to be an object of interest to citizens of the United States, the imperial government cannot agree with the principle and doctrine, on which it is attempted to base this request, by likening the Amazon to the Ocean. The imperial government conceives that such a doctrine, otherwise new and brought forward for the first time, is repelled by the principles of public law and the law of nations, and cannot prevail, unless it were for substituting the principles of interest and force for those of right and Justice.

The United States never adduced this doctrine, in regard to the questions which they have discussed, relative to the navigation of the Mississippi and the St Lawrence, with Spain and England. Still, the United States, at that time, had this circumstance in their favor, that they occupied the borders, and the space possessed by England at the mouth of the St Lawrence, and that which was then occupied by Spain at the mouth of the Mississippi, is comparatively less.

The imperial government is firmly convinced that a river of which Brazil possesses both margins, to the vast extent of 480 leagues, which is the intervening distance from the mouth of the Amazon to Tabatinga,—the boundary of the Empire,—cannot be compared with the ocean.

Although the Amazon is sufficiently wide at various points, there are, nevertheless, narrow places, the passage through which can be prevented by a fort, and its navigation could not be effected, without the repeated use of its margins.

Brazil possesses two thirds of the extent of said Amazon in a navigable condition, has the forts of Macapá and Gurupá at its entrance, and, on the upper river, the forts of Maoyagão, Duas Barras, J Jozé do Rio Jia, and of Tabatinga; and on both margins, cities, towns and villages. Brazil, therefore, possesses in the Amazon all that, which according to received principles, serves to prove her sovereignty over the waters of this river.

The Ocean serves as a medium of communication to all the nations of the Globe, and its navigation is indispensable to many, which, populous and powerful as they are, could not subsist without the extensive commerce which is carried on through the same.

The Amazon is not in the same circumstances. Although its extensive valley, when suitably populated, might contribute vastly to the maintenance of the commerce of nations, nevertheless, in as much as this valley is an almost entire desert, its navigation can neither be indispensable, nor, in the actual state of things, can it be a matter of interest and advantage to those nations which do not occupy the borders.

The great portion of the valley of the Amazon which belongs to Brazil,

contains two Provinces; that of Pará at the mouth, and that of the Amazon in the interior. For the trade of the Province of Pará, the port of the city of Belem, open to all foreign nations, is sufficient. The population of the Amazon Province does not exceed thirty thousand souls, and being, for the most part, composed of an indigenous race, it consumes but little of the produce of foreign industry, and therefore, does not feel the necessity of direct trade with those nations that are producers. The Department of Maynas belonging to Perú which occupies the upper part of the Amazon, is even less populous. The population of this Republic, which can supply foreign Commerce, is separated from the valley of the Amazon by the Andes, and the natural outlet for its supplies, whether at present or in future, will always be the Pacific. The territories occupied by the Republics of Venezuela, New Granada and Ecuador, which have tributaries that empty themselves into the Amazon, are thinly populated. The centres of the principal cities and villages of those Republics could never be advantageously supplied through the navigation of the Amazon. Even though that navigation were open to the commerce of the world, those cities and villages would continue to be supplied exclusively by way of the Atlantic and the Pacific.

Besides this, the tributaries of the Amazon which flow through those territories and which are susceptible of being navigated, will never be so, except by vessels of small calibre, unfit for navigating the Ocean, and a good portion of them, destitute of those hydraulic works and improvements, intended to facilitate this same navigation. All these circumstances show that, for the present, there are no great interests existing, either in the United States or any other country, which could serve as a pretext for the immediate pretension to navigate the Amazon.

It is not the intention of the imperial government to keep the Amazon forever closed to foreign transit and foreign commerce; its opening, however, does not seem to it to be as yet called for.

It is a grave matter, which must be determined upon without precipitancy, and with the caution and assurance which its importance demands.

With a view of obtaining a practical knowledge of this subject, concerning a river, the margins of which are, for the most part, uninhabited, and where the laws and regulations adopted in Europe, with respect to rivers the margins of which have been inhabited for many centuries, cannot be applied, Brazil concluded the Treaty of river commerce and navigation of Oct 23, 1851, with the Republic of Perú. This Treaty which must continue in operation for six years, has not yet been two years in force.

The initiative, with regard to this treaty, was spontaneously taken by the imperial government, the latter having concluded similar ones with those other Republics which may derive benefit from the navigation of the Amazon, in case they should manifest any desire to obtain the same, and

come to an agreement, as to the conventions which must precede that concession on the part of Brazil. With the same view of gaining a practical knowledge of the subject, and also to promote colonization and commerce on the desert shores of the Amazon, the imperial government established steam navigation on the waters of that river, subsidizing, for that purpose, a company of native-born individuals, to which it granted the exclusive privilege of said navigation for a period of thirty years. Although this period of time did not appear too long, for the purpose of gaining such a knowledge, and for the development of the national trade, yet, the imperial government, being desirous to be left unincumbered, in order to open the Amazon to the commerce of the world in a shorter space of time, when it should be thought duly prepared for that event, obtained from the aforesaid company, a surrender of their privilege, by means of a large increase of aid.

When that time shall have arrived, the fitness of which the imperial government must be the exclusive Judge, it is determined not to grant to any nation the navigation of the river Amazon, in that part where Brazil possesses both margins, except through the medium of conventions, which shall guaranty her right of possession and devise means for the prevention of smuggling, by providing for the due observance of navigation laws and fiscal regulations.

In the opinion of the imperial government, the act of the Congress of Vienna cited by Mr. Trousdale, constitutes a mere conventional right, which only applies to, and is only binding upon those powers which agreed to it and stipulated for the same.

That act was not acquiesced in generally by Europe, and less so by all the world. It is even very recently only, that England and France acknowledged, in Treaties, that the navigation of the Paraná was an interior navigation of the Argentine Confederacy, in common with the Oriental State.

## 673

*William Trousdale, United States Minister to Brazil, to William L. Marcy, Secretary of State of the United States*<sup>1</sup>

[EXTRACT]

No. 19

RIO DE JANEIRO, September 15, 1854.

SIR: I have the honor to transmit you the answer of the Brazilian Government<sup>2</sup> to the propositions submitted by me, on the 28<sup>th</sup> Octr. last, in relation to a Treaty, and to the free navigation of the River Amazon. After a delay of more than ten months a written answer has been given, substantially the

<sup>1</sup> Despatches, Brazil, vol. 21.

<sup>2</sup> See the note of September 13, 1854, from the Foreign Minister to Trousdale, above, this part, doc. 672, especially the statement enclosed.

same, which was given verbally at the time the propositions were submitted. The positions assumed by the Government of Brazil upon those points, are attempted to be sustained by flimsy arguments predicated chiefly on false premises, all of which might be easily refuted: but no reasoning, however cogent, would be likely to change the fixed determination which this Government has so often manifested, to make no Treaties with Foreign nations, and to keep the rivers which flow through their territory closed as to other nations.<sup>1</sup> . . .

Respectfully [etc.].

674

*William Trousdale, United States Minister to Brazil, to William L. Marcy,  
Secretary of State of the United States* <sup>2</sup>

[EXTRACT]

No. 22

RIO DE JANEIRO, *October 25, 1854.*

SIR: . . . I have the honor to state that a communication has been recently received at this Legation, from Edward A. Hopkins, Esq. Consul of the United States to the Government of Paraguay, which was accompanied by three issues of a Weekly Journal, entitled the "Semanario," numbered 56. 57. 58. containing a correspondence of some length between M<sup>r</sup> Hopkins, and the authorities of the Government of Paraguay, from which it appears that each party has addressed the Government of the United States upon the subject of their controversy; you will therefore probably be in possession of the facts before this despatch reaches you.

I herewith enclose a copy of the letter of M<sup>r</sup> Hopkins marked C.<sup>22-3</sup> and also the three issues of the "Semanario," from the perusal of which you will

<sup>1</sup> In addition to minor matters, the omitted portion discusses the need for a larger United States naval force in Brazilian waters.

<sup>2</sup> Despatches, Brazil, vol. 21.

The omitted portion discusses a cholera quarantine.

<sup>3</sup> Below is Hopkins's letter. The newspapers which accompanied it are with the file copy:

*Edward A. Hopkins to William Trousdale*

ASUNCIÓN, *August 22, 1854.*

SIR: I have the honor to send to you the enclosed newspapers, containing an account of my late difficulty with President Lopez. I do not send you translations, as time which presses, will not allow me so to do. I have referred the matter to Washington, and confidently expect to be sustained in my action.

I learn that an intrigue is on foot between Paraguay and Brazil, to close up these rivers above Asuncion, to all except themselves, and if possible to exclude Americans from the country. I therefore suspect that the late attacks upon myself and the other American citizens is part of the plan agreed upon. I understand also that the propositions come from Brazil, and that the Brazilian Minister is now on his way hither to open negotiations. I would be much obliged to you if you would communicate to me any light that you may be able to throw upon the affair, and I will in turn communicate to you, all circumstances which may come to my knowledge.

I have the honor [etc.].



learn the history of the transaction. Since the receipt of M<sup>r</sup> Hopkins' letter, I learn that the President of Paraguay has withdrawn his Exequatur. . . .

I am, Sir, [etc.].

## 675

*William Trousdale, United States Minister to Brazil, to William L. Marcy, Secretary of State of the United States*<sup>1</sup>

[EXTRACT]

No. 23

RIO DE JANEIRO, *November 4, 1854.*

SIR: I have the honor to transmit the "Jornal do Commercio," of the 27<sup>th</sup> ulto., which contains a decree altering the original Contract between the Brazilian Government, and the Amazon Company of Navigation and Commerce.<sup>2</sup> This decree exhibits very clearly the jealousy entertained by the Government of Brazil, towards the United States. Among other things, it is stipulated that the Company shall establish twelve Colonies, upon the borders of the Amazon and its tributaries, each to contain a population of six hundred, all to come from Europe, and from such countries there, as the Government of Brazil shall designate. This arrangement is intended as the best, which can be made, to exclude the citizens of the United States from navigating the waters of the Amazon and its tributaries, and to provide against the emigration of citizens from the United States, and of the Spanish Republics, from either North or South America to this Empire. The functionaries of this Government are warmly attached to monarchy, and are exciting their energies to foster a set of principles adapted to that form of Government, and to keep at a distance all persons who would be likely to inculcate doctrines of a different order.

Judging from the developments which have appeared since my residence near this Court, one might conclude that the main objects of my mission are such as this Government have very little intention of conceding.<sup>3</sup> . . .

I am, Sir, [etc.].

<sup>1</sup> Despatches, Brazil, vol. 21.

<sup>2</sup> The publication mentioned is with the file copy of the despatch, as is, also, a translation of the decree. Not included in this publication.

<sup>3</sup> The omitted portion discusses routine matters.

*Francisco de Carvalho Moreira, Brazilian Minister to the United States, to William L. Marcy, Secretary of State of the United States*<sup>1</sup>

[TRANSLATION]

WASHINGTON, November 15, 1854.

The Undersigned, Envoy Extraordinary and Minister Plenipotentiary of H. M. the Emperor of Brazil, having, on the 16<sup>th</sup> of last January<sup>2</sup> and by order of his government, sent to the Hon W. L. Marcy, Secretary of State of the United States, a copy of a despatch from the Minister of Foreign Affairs of Brazil, dated the 7<sup>th</sup> of November last, had the honor to receive a note from the Hon Mr. Marcy, dated the 25<sup>th</sup> of January,<sup>3</sup> stating in reply "that the aforesaid communication would receive the consideration due to the importance of the subject."

The Undersigned, however, being desirous to communicate to his government the views of the government of the United States, whose definite opinion, in regard to this matter, the answer of the Hon Mr. Marcy authorises him to expect, begs H. E. therefore, as a favor, that he will communicate to the Undersigned whatever may suggest itself to him upon this subject, in order that the Undersigned may fully comply with his official duties.

The Undersigned avails himself of this occasion [etc.].

*Francisco I. de Carvalho Moreira, Brazilian Minister to the United States, to William L. Marcy, Secretary of State of the United States*<sup>4</sup>

[TRANSLATION]

WASHINGTON, November 18, 1854.

The Undersigned, Envoy Extraordinary and Minister Plenipotentiary of H. M. the Emperor of Brazil, has had the honor to receive the note of the Hon W. L. Marcy, Secretary of State of the United States, of the 16<sup>th</sup> instant,<sup>5</sup> in reply to one which the undersigned had addressed him on the day previous<sup>6</sup> in relation to the Despatch of the Minister of Foreign Affairs of Brazil, under date of the 7<sup>th</sup> of November last,<sup>7</sup> which the undersigned had communicated to the Hon Secretary of State, and which refers to the 5<sup>th</sup> 6<sup>th</sup> and 7<sup>th</sup> articles of the Treaty concluded at S Jose de Flores in July, 1853.

The undersigned appreciates most highly, the sentiments of friendship and

<sup>1</sup> Notes from Brazil, vol. 3.

<sup>2</sup> Above, this part, doc. 658, where it is followed by the communication of November 7, 1853, from the Brazilian Foreign Minister.

<sup>3</sup> Above, pt. III, doc. 487.

<sup>4</sup> Notes from Brazil, vol. 3.

<sup>5</sup> Above, pt. III, doc. 489.

<sup>6</sup> Above, this part, doc. 676.

<sup>7</sup> Above, this part, doc. 659.

good will which actuate the government of the United States towards Brazil, and which the Hon Mr. Marcy had the kindness to express in his note, and it is very pleasing to the undersigned to know that the government of the United States does not find anything in the three aforesaid articles of the treaty which could, in the remotest degree, offend the rights or the interests of Brazil.

In further development of this opinion, and with reference to the supposition contained in the despatch of the 7<sup>th</sup> of November, the Hon Secretary of State gives the assurance that in the event of any difference occurring, in the interpretation of that treaty, the Government of the United States will endeavor to give it such an understanding only as may agree with principles of justice, the rules of common law, and those Brazilian interests, which it is bound to respect, as the interests of a friendly nation; and upon this point, the Hon Secretary of State, wishes that the government of the Emperor may rest perfectly at ease.

This formal declaration, on the part of the Hon Secretary of State, doing away with the causes which called the attention of the Imperial Government to those articles, and prompted it to point out, in the aforesaid despatch, the consequences which might follow from those stipulations, if not taken in a just and reasonable sense, as the government of the United States is disposed to take them, affords the undersigned the agreeable opportunity of communicating to his government the official expression of such laudable intentions, and with it, the certainty that 1<sup>stly</sup>, there is nothing in the stipulations of the 5<sup>th</sup> article, respecting the island of Martin Garcia, tending to justify the occupancy or foreign dominion over said island: 2<sup>dly</sup> that the provision of the 6<sup>th</sup> article does not, in any way, tend to restrict Brazil with regard to her right of blockade in the Rio da Plata, and its tributaries, as it is allowed to belligerent powers by the law of nations and the practice of nations. 3<sup>dly</sup> that the rights acquired by the Empire to the navigation of those rivers, in virtue of its former compacts, do not undergo any change, in consequence of the 7<sup>th</sup> article. It was simply with a view of securing the rights of Brazil, in the execution and practical understanding of the articles aforesaid, that the despatch of the 7<sup>th</sup> of November was written, and not because the Imperial government had any idea of interposing objections to the regular course and definite conclusion of the Treaty, or that it pretended to be informed, in advance, as to what would be the conduct of the United States in those contingencies, to which the note of the Hon Secretary of State alludes, and which the undersigned, from his inability to foresee them, cannot designate.

As however the Hon Secretary of State states to the undersigned that the government of the United States is disposed not to tolerate the least invasion of the rights and privileges of Brazil, the Undersigned thinks that none of the legitimate interests of his country can be comprised in those supposed

eventualities; and receiving with the utmost satisfaction the assurances which the Hon Secretary of State gives him on the subject, he avails himself of this occasion [etc.].

## 678

*William Trousdale, United States Minister to Brazil, to William L. Marcy, Secretary of State of the United States*<sup>1</sup>

[EXTRACT]

No. 24

RIO DE JANEIRO, *November 27, 1854.*

SIR: . . . I likewise enclose a copy of a letter from Edward A. Hopkins, Consul of the United States at Paraguay, of the 26<sup>th</sup> September 1854, marked G<sup>24</sup>;<sup>2</sup> this letter was enclosed with issues of a newspaper called the "Sem-anario," from 59 to 63 inclusive, beginning on the 26<sup>th</sup> August and ending on the 23<sup>rd</sup> September 1854, which I also send. Mr. Hopkins is now in this city.

It appears that a late attack has been made upon Buenos Ayres by a force of from six hundred to one thousand men, fitted out by Urquiza, and led on by a Col. Costa. They were met by about four thousand men from Buenos Ayres, defeated in a second battle and driven from the country. Persons from there, since the transaction, suppose the matter, for the present, is at an end.

The President of Paraguay, as you have doubtless seen, has issued a decree prohibiting all Foreign Vessels from navigating the waters which flow through his territory. Some months since he dismissed from his Court the Brazilian Minister for these causes and some others. It is rumored that the Government of Brazil is preparing an expedition against Paraguay. This is report, but may not be true. . . .

I am, Sir, [etc.].

<sup>1</sup> Despatches, Brazil, vol. 21.

The omitted portions relate to minor details.

<sup>2</sup> This letter from Hopkins follows:

*Edward A. Hopkins to William Trousdale*

G-24

ASUNCIÓN, *September 26, 1854.*

SIR: It is still my painful duty to forward to you the enclosed newspapers, which form the sequel to the ones previously sent to you by me.

By them you will perceive that we are most foully robbed and outraged, and thereafter covered (particularly myself) with calumnies too gross for the imagination to conceive.

And what is worse you will learn in N° 63, that Capt. Page has thrown even President Lopez far into the shade, by his treacherous and disgraceful conduct towards us. We have in vain sought for redress from him. He is the complete tool of Lopez, and our hearts must bleed yet a while longer, until from Washington will come our defence.

He has refused every demand of mine and our fellow-citizens, for redress, and confines himself to assisting us out of the country.

I withdraw to Corrientes, where I shall be happy to hear from you.

I have the honor [etc.].

679

*William Trousdale, United States Minister to Brazil, to Visconde de Abaeté, Minister of Foreign Affairs of Brazil*<sup>1</sup>

A<sup>25</sup>RIO DE JANEIRO, *December 6, 1854.*

The undersigned, Envoy Extraordinary and Minister Plenipotentiary of the United States, has the honor to inform His Excellency, the Viscount de Abaeté of the Council of His Majesty the Emperor, Minister and Secretary of State for Foreign Affairs, that a Convention has been recently concluded between the "United States of America and His Majesty the Emperor of Russia" affirming as permanent and immutable the principles that free ships make free goods, contraband excepted, and that the property of neutrals not contraband, found on board of enemies' ships is not confiscable. These principles are to be scrupulously observed towards all powers which accede to the same. It is the intention of the United States to propose to the principal powers to enter into Treaty stipulations for their recognition. They have been adopted by Great Britain and France as the rules of conduct towards all neutrals in the present European war, and it is presumed that neither nation will refuse to recognise them as rules of international law, and conform to them in all time to come.

I now have the honor herewith to submit a proposition to the Government of Brazil, to adopt these principles, together with others contained in the accompanying draft, under the sanction of a Treaty.

Should the Government of Brazil be disposed to meet these views of the President of the United States, that Government will promptly enter into negotiations with this Empire.

The undersigned takes this occasion [etc.].

680

*William Trousdale, United States Minister to Brazil, to William L. Marcy, Secretary of State of the United States*<sup>2</sup>

[EXTRACT]

No. 25

RIO DE JANEIRO, *December 11, 1854.*

SIR: I have the honor to inform you, that I have submitted to the Government of Brazil a draft of a Treaty, which the United States would be willing to make with the Empire of Brazil. Although several days have elapsed since this proposition was placed in the hands of the Secretary of Foreign Affairs, His Excellency has not responded in any manner to the

<sup>1</sup> Despatches, Brazil, vol. 21, enclosed with Trousdale to the Secretary of State, below, this part, doc. 680. Visconde de Abaeté was, formerly, Antonio Paulino L. de Abreu.

<sup>2</sup> Despatches, Brazil, vol. 21.

same. I enclose herewith a copy of the note which accompanied the draft, marked A<sup>25</sup>.<sup>1</sup>

The Government of Brazil has sent a fleet consisting of ten or twelve steam frigates, and a few sailing vessels—part of which left this port yesterday,—against the President of Paraguay, to compel him to open the rivers which flow through his territory, or, in case of his refusal, to force their way through into their own country. I suppose you have seen the decree of President Lopes, prohibiting the navigation of the waters of Paraguay, which was doubtless directed at the "Water-Witch."<sup>2</sup> . . .

Very Respectfully [etc.].

681

*William Trousdale, United States Minister to Brazil, to William L. Marcy,  
Secretary of State of the United States*<sup>3</sup>

[EXTRACT]

No. 31

RIO DE JANEIRO, *February 5, 1855.*

SIR: . . . We have heard nothing yet from the Brazilian fleet, sent against the President of Paraguay. The determination of the Government of Brazil, I learn, is to pass through Paraguay into their own waters above. Should President Lopes have resolved that this shall not be done, and made his arrangements to oppose it, we shall probably soon hear of some fighting in that quarter. . . .

I am, Sir, Respectfully [etc.].

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*Note of an interview with Dom Pedro II, Emperor of Brazil, at the Imperial  
Palace of Petropolis*<sup>4</sup>

H<sup>32</sup>

*February 26, 1855*

[EXTRACTS]

After a few introductory remarks had been exchanged Mr. Trousdale inquired whether His Majesty had taken occasion to examine a project of a Convention which he had submitted, some time since, to the Government of Brazil.

The Emperor answered that he had seen a Note, relating to the opening

<sup>1</sup> Above, this part, doc. 679.

<sup>2</sup> The omitted portion stated that he was enclosing a despatch from Edward A. Hopkins, consul to Paraguay, at the latter's request. It is not filed with the despatch.

<sup>3</sup> Despatches, Brazil, vol. 22.

The omitted portion relates to a private claim.

<sup>4</sup> Despatches, Brazil, vol. 22, enclosed with Trousdale to the Secretary of State, below, this part, 683.

of the Amazon, addressed by Mr. Trousdale to the Minister of Foreign Affairs, and had fully approved of the answer made to that Note; he was also aware that a project for a Treaty, embodying several important principles, had lately been submitted to his Government, but he had not yet bestowed his attention upon it. At Mr. Trousdale's request, His Majesty promised to seize an early opportunity to examine this proposition of the American Government. The Emperor further remarked, that, as Mr. Trousdale was doubtless aware, it had become of late the settled policy of Brazil to decline entering into Treaty Stipulations with Foreign Powers, in order to avoid entanglements and interpretations which would be adverse to the interests of the Empire. Brazil had abrogated her former Treaty with England, and had only retained a few provisions of her Treaty with France, that, according to stipulation, were to remain perpetually in force. . . .<sup>1</sup>

Mr. Trousdale then proceeded to inquire whether the Emperor had read the President's last Message, in which he had expressed a hope that the pending negotiations for the opening of the Amazon would eventually lead to a favorable result. His Majesty answered that he had examined with great interest the President's Message and the accompanying documents and had observed with satisfaction that it was peaceable and moderate in its tone.

Mr. Trousdale observed it had been intimated by some newspaper-writers that it was the intention of the American Government to effect an entry into the Amazon by the employment of armed force. It was needless to assure His Majesty that no such intention was seriously entertained. The American Executive still claimed the right of entering the Amazon but would now only resort to the peaceful means of diplomatic negotiations. The old principles of international law scarcely held good in the case of the Amazon, which, from its immense size, deserved to be classed among inland seas.

The Emperor answered that whatever might be the size of the Amazon, he could not help regarding it as an "*interior river*" belonging to Brazil and as such she had undoubtedly the right to exclude other nations from entering upon its waters. The decision of Brazil to close that river to the Flag of other countries would however probably be revoked at no distant day. At present the population of the provinces on its banks is not sufficiently large to enable Brazil to carry out police regulations for the control of foreigners who might resort thither. The commercial jealousy among the subjects of different Powers, residing there, might give rise to contentions that would seriously endanger the repose of the Empire. Besides this, whatever might be the apparent advantages to be derived from the opening of the Amazon, many years would probably elapse before such an act could

<sup>1</sup> The omitted part concerns a possible commercial treaty.

confer any real benefit on foreign commerce. The Emperor added that he had read the descriptions of the river by Maury, Herndon and Gibbon; although he acknowledged the ability of the former and the enterprize and perseverance of the two latter as manifested in their narratives, yet he was forced to consider those accounts as somewhat "poetical" and overdrawn. Those regions had been lately visited by Brazilians whose reports were by no means so favorable.

Mr. Trousdale remarked that the idea had been frequently held out in the Brazilian papers and elsewhere that the object of the Americans in endeavoring to secure the opening of the Amazon was to gain a foothold, with a view of ulterior annexation to the United States. He scarcely need assure His Majesty, how unfounded such an opinion was.

The Emperor answered that neither he nor his Ministers entertained any apprehension of that kind. He had always felt the greatest confidence in the moderation and justice of the American Government and people. Nor did the intention of keeping the Amazon closed, for the present, proceed from any feeling of mistrust or suspicion of the motives of the Americans. It was believed, on the contrary, that should the Amazon be opened, their enterprising spirit would contribute vastly towards its prosperity, and thus prove beneficial to Brazil.

Mr. Trousdale stated that one of the principal objects of the American Government in seeking to open the Amazon, was to be enabled to establish direct commercial intercourse with the South American Republics on the headwaters of that stream, with which the United States had concluded Treaties of Commerce and Navigation. Merchandise was now being transported from the Atlantic slopes across the Andes and shipped around Cape Horn instead of taking the natural course down the Amazon.

The Emperor, in answer, remarked, that Brazil, from her position as the first Power in South America considered herself entitled to exercise a certain political influence over the surrounding Republics and to prevent, as far as possible, the intervention of other nations in her negotiations with those Republics. Nothing was easier however than for them to forward their produce down the Amazon—by according similar favors to Brazil on the headwaters of that river belonging to them.



## 683

*William Trousdale, United States Minister to Brazil, to William L. Marcy,  
Secretary of State of the United States*<sup>1</sup>

[EXTRACTS]

No. 32

RIO DE JANEIRO, *March 12, 1855.*

SIR: . . . I had an interview with the Emperor not long since in his Palace at Petropolis. We conversed freely and at some length on the topics of interest to the two Governments. The views expressed by the Emperor, are identical with those advanced by the Secretary of Foreign Affairs on the same subjects. His Majesty says the policy of Brazil is to make no Treaty with any foreign Government, in order to avoid tangling alliances and unfavorable constructions. On the subject of the Amazon he says the time has not yet come for opening that river to the free use of other nations; but that it will be opened at some future time, when the population on its banks are sufficiently numerous to form a police, capable of protecting the interest of Brazil in that quarter. His Majesty thinks it *possible* that the policy of Brazil may be so far changed, in relation to Treaties, before long, as to treat with the United States, the relations existing between that Government and Brazil being wholly different from those in any other case. His Majesty said he would examine at an early day the project which had been submitted.

In relation to the administration of the estates of citizens of the United States who die in Brazil, the policy of Brazil is to extend the same rule to them, as is adopted, in the case of subjects of Brazil, who die in the country of the deceased. That you may more fully comprehend the views of His Majesty, as expressed on that occasion, I herewith enclose a copy of the interview reduced to writing and translated from French to English immediately after, marked H<sup>32</sup>.<sup>2</sup> . . .

It appears that acts of hostility have been committed by the Government of Paraguay, which resulted in the death of one seaman, on board the "Water-Witch", on the waters of the river Paraná. I suppose the facts of the case have been transmitted to you from the proper source.

I am, Sir, [etc.].

<sup>1</sup> Despatches, Brazil, vol. 22.

The omitted portion treats of claims and minor matters.

<sup>2</sup> Above, this part, doc. 682.

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*William Trousdale, United States Minister to Brazil, to William L. Marcy,  
Secretary of State of the United States*<sup>1</sup>

[EXTRACT]

No. 33

RIO DE JANEIRO, *April 12, 1855.*

SIR: . . . The latest news from the Brazilian Fleet, which was sent to Paraguay, states that the Fleet was anchored out of the limits of Paraguay, the Commander had gone up to Assumption, in the Flag steamer, and that to negotiate with Lopes. . . .

I have the honor [etc.].

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*William Trousdale, United States Minister to Brazil, to William L. Marcy,  
Secretary of State of the United States*<sup>2</sup>

[EXTRACT]

No. 34

RIO DE JANEIRO, *May 15, 1855.*

SIR: . . . It is now believed here, that the difficulties between Brazil and Paraguay will be amicably adjusted, and that a part of the fleet sent by Brazil on that expedition will ascend the river to the Brazilian territory, and the balance will return to the La Plata. . . .

I am, Sir, [etc.].

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*William Trousdale, United States Minister to Brazil, to William L. Marcy,  
Secretary of State of the United States*<sup>3</sup>

[EXTRACT]

No. 35

RIO DE JANEIRO, *May 30, 1855.*

SIR: . . . The Brazilian fleet, which was sent to Paraguay, to force its passage up the river, through the territory of Paraguay, to the Province of Matto Grosso, has returned to the La Plata.

It is said the Commander of the fleet, Pedro Ferreira, has negotiated Treaties with Lopes, which will, when confirmed, settle the difficulties heretofore existing between the Governments of Brazil and Paraguay. . . .

I am, Sir, [etc.].

<sup>1</sup> Despatches, Brazil, vol. 22.

The omitted portion discusses a possible change of ministry.

<sup>2</sup> Despatches, Brazil, vol. 22.

The omitted portion discusses claims and minor matters.

<sup>3</sup> Despatches, Brazil, vol. 22.

687

*William Trousdale, United States Minister to Brazil, to William L. Marcy, Secretary of State of the United States*<sup>1</sup>

[EXTRACT]

No. 36

RIO DE JANEIRO, June 13, 1855.

SIR: . . . The Emperor, in his speech to the General Legislative Assembly, assures that body, that complete success had been the result of the expedition against the Government of Paraguay. This statement turns out to be wholly a mistake. That expedition is now known to be an entire failure; the fleet has returned to the La Plata, without passing through Paraguay to the Province of Matto Grosso as was contemplated, and without accomplishing any of the objects for which it was sent.

Nothing has been received at this Legation from the State Department since my last Despatch.

I am, Sir, [etc.].

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*William Trousdale, United States Minister to Brazil, José Maria da Silva Paranhos, Minister of Foreign Affairs of Brazil*<sup>2</sup>

A<sup>39</sup>

RIO DE JANEIRO, July 24, 1855.

The undersigned, Envoy Extraordinary and Minister Plenipotentiary of the United States presents his compliments to His Excellency José Maria da Silva Paranhos, of the Council of H. M. the Emperor, Minister and Secretary of State for Foreign Affairs and has the honor to inform His Excellency that a plan for a Convention, between the United States and Brazil was some time ago submitted by the undersigned to the then Secretary of State for Foreign Affairs, of Brazil.

The undersigned indulges the hope that His Excellency will, without delay, take the matter into serious consideration, entering upon it with a disposition more inclined to a successful issue, than was entertained by His Excellency's predecessor.

The undersigned believes the plan as submitted to be liberal, and to offer inducements highly beneficial to the Government of Brazil. If, however any thing contained therein be objectionable, the whole plan is open to criticism discussion and alteration.

Among other things, it is proposed that Brazilian Coffee, shall enter the ports of the United States, during the existence of the Treaty, free of duty and in lieu thereof the citizens of the United States shall enjoy the privilege of freely navigating the river Amazon, for commercial purposes, during the same time.

<sup>1</sup> Despatches, Brazil, vol. 22.

<sup>2</sup> Despatches, Brazil, vol. 22, enclosed with Trousdale to the Secretary of State, below, this part, doc. 689.

It has, on a former occasion been stated to the Government of Brazil, that the Government of the United States views the right of nations to navigate the Amazon in the course of legitimate commerce with Ecuador, Perú and Bolivia, New Granada and Venezuela, nations bordering on its upper waters, as not depending on Treaty Stipulations; but as a natural right, as much so, as that to navigate the Ocean, the common highway of nations.

The friendly relations existing between the United States and Brazil *demand*, that other measures be adopted, in the first instance to obtain for the citizens of the United States, the free use of the Amazon for commercial purposes, prior to the exercise of this natural right.

The United States, out of courtesy to Brazil, and to avoid the ill consequences which might result from the exercise of this natural right, will resort to such measures as appear most likely to accomplish this object by the free consent of Brazil.

Should all efforts on the part of the United States, unfortunately be rejected by Brazil, and should the Brazilian Government persist in its present policy, as claimed and hitherto exercised of *excluding* the trade of the countries bordering upon and contiguous to the Amazon, with Foreign nations, through this great natural highway; then it will become the unpleasant duty of the undersigned, to make known to the Government of Brazil that the Government of the United States is *determined* to secure for its citizens the free use of the Amazon for commercial purposes.

The President as has been stated on a former occasion is desirous to cultivate the most amicable relations with Brazil, and would deeply regret to have these relations disturbed by her persistence in a policy so much at variance with the liberal views of civilized and enterprising nations.

The United States claim for the continent of America the same privileges which forty years ago were arranged by common consent and have been ever since applicable to the navigable waters of Europe.

The regulations adopted by the allied sovereigns at the Congress of Vienna in 1815 on this subject were but the recognition of the law of nations in regard to the use of navigable rivers passing through the territory of different nations.

On the freedom of navigation that Congress adopted the following regulations:

“Navigation throughout all the courses of those rivers indicated in the preceding Article from the point where each becomes navigable to the mouth of the same, shall be entirely free and may not for commercial purposes be interdicted to any one; Provided that the regulations relating to the police of said navigation shall be observed; which regulations are to be uniform, and as favorable as possible to the commerce of all nations.”

The doctrine upon this subject is clearly presented in the following extract from Wheaton's *Elements of International Law*:

Things of which the use is inexhaustible such as the sea and running water [including of course navigable streams] cannot be so appropriated as to *exclude* others from using these elements in any manner which does not occasion a loss or inconvenience to the proprietor. This is what is called an *innocent use*. Thus we have seen that the jurisdiction possessed by one nation over sounds and other arms of the sea, leading through its own territory to that of another, or to other seas common to all nations, does not *exclude* others from the right of innocent passage through these communications.

By long usage this right is subject to some restrictions imposed by nations through whose territories these navigable waters pass. This right, however to restrict or regulate carried to its utmost extent, does not give the power to *exclude* such rivers from the common use of nations.

The Amazon differs in size from all other rivers, and more resembles an inland sea, such as the Mediterranean than it does a river of the ordinary size.

The doctrine promulgated by writers on the law of nations in relation to rivers, Bays, straits sounds and seas is as follows:

"The more a river is confined the more does the safety and convenience of its use require that it should be subjected entirely to the Empire and property of that nation." Vat. B.I. ch. 22, sec. 266.

"The open sea is in its own nature not to be possessed, no body being able to settle there so as to hinder others from passing." Vat. B.I. ch. 23, sec. 280.

"The right of navigating and fishing in the open sea, being then a right common to all men, the nation who attempts to *exclude* another from that advantage, does it an injury, and gives sufficient cause for *war*, nature authorising a nation to repel an injury; that is, to make use of force against *those who* would deprive it of its rights." Vat. B.I. ch. 23, sec. 282.

"We may moreover say, that a nation which, without a title would arrogate to itself an exclusive right to the sea, and support it by force, does an injury to all nations whose common right it violates, and all are at liberty to unite against it, in order to repress such an attempt." Vat. B.I. ch. 23, sec. 283.

"A nation may appropriate things, where the free and common use of them would be prejudicial or dangerous."

"This is a second reason for which powers extend their dominion over the sea along their coast, as far as they are able to protect their right. It concerns their safety and the welfare of the state, that the whole world be not permitted to come so near their possessions; especially with men of *war*, as to hinder the approach of trading nations, and disturb navigation. But it cannot refuse access to vessels not suspected, for innocent uses without violating its duty; every proprietor being obliged to grant a passage to strangers, even by land, when it may be done without damage or danger." Vat. B.I. ch. 23, sec. 288.

"It is not easy to determine to what a distance a nation may extend its rights over the sea by which it is surrounded. Between nation and nation

all that can reasonably be said, is that, in general the dominion of the state over the neighboring sea extends as far as is necessary for its safety and it can render it respected, since on the one hand it can only appropriate to itself a thing that is common, as the sea, so far as it has need of it for some lawful end, and on the other, it would be vain and ridiculous to claim what it was no way able to cause to be respected." Vat. B.I. ch. 23, sec. 289.

"All that has been said of the parts of the sea near the coast may be said more particularly and with much greater reason, of roads, bays and straits, as still more capable of being occupied and of greater importance to the safety of the country. But I speak of the bays and straits of small extent; and not of those great parts of the sea to which these names are sometimes given, as Hudson's Bay and the Straits of Magellan, over which the Empire cannot extend, and still less a right of property." Vat. B.I. ch. 23, sec. 291.

"A Bay whose entrance may be defended may be possessed and rendered subject to the laws of the sovereign, and it is of importance that it should be so, since the country may be much more easily insulted in such a place than on the coast open to the winds and the impetuosity of the waves." Vat. B.I. ch. 23, sec. 291.

"It must be remembered with regard to the straits, that when they serve for a communication between two seas, the navigation of which is common to all or to many nations, he who possesses the strait cannot refuse others a passage through it, provided that passage be innocent and attended with no danger to the state. Such a refusal, without just cause would deprive the nation of an advantage granted by nature, and, indeed the right of such a passage is a remainder of the primitive liberty enjoyed in common." Vat. B.I. ch. 23, sec. 292.

"Nations possessing a territory at the mouth of a river, some times claim the right to prohibit all those who reside upon its upper waters from a passage along the river to the Ocean. It is difficult to perceive upon what principle this is done. It would appear very unjust if an upper inhabitant of the river, who embarks his produce on the stream which flows through his own land, should, when he arrives at the border of a neighboring nation, be compelled to terminate his voyage at that point."

This claim was made by Spain, against the United States, in relation to the navigation of the river Mississippi. It would have been disputed at the point of the bayonet, had not the controversy been ended by the purchase of Louisiana and Florida by the United States.

It was made by Great Britain, against the United States, as to the right of the latter, to navigate the waters of the river St. Lawrence to the Ocean; but this right has recently been fully conceded in a Treaty between those powers and would not have been quietly yielded, had it not been otherwise settled. The canals and rail-roads of the United States rendered the navigation of the St. Lawrence almost useless, even to British subjects residing in

Canada, and these facilities caused the question to remain so long unsettled. This claim is also made against Brazil, in relation to the tributaries of the river La Plata, which have their sources in, or flow through Brazilian territory.

Holland, owning territory at the mouth of the river Scheldt claimed the right to exclude Belgium from navigating its waters to the sea. Her pretensions were advocated on the ground of Treaties and not of natural right. This sentiment of right in favor of the upper inhabitants, seems to prevail in both hemispheres.

This claim of right, by which a nation situated at the mouth of a navigable river would attempt to exclude the upper inhabitants and all others from its use, is founded in force and is generally set up by a stronger power against a weaker, and is condemned by the judgment of mankind.

The Government of Brazil includes in its territory the mouth of the Amazon and the upper waters of the La Plata. A doctrine which suits the one, does not apply so well to the other. Brazil claims the right to exclude all other nations from the use of the Amazon and at the same time insists upon the right to navigate the La Plata. This latter right is said to result from Treaty stipulations. If the Treaty of 1850 between the Government of Brazil and that of Paraguay be that on which this right is predicated, it may well be doubted whether such right exists in Brazil by Treaty stipulations. If the fact be that no Treaty confers the right on Brazil to navigate the waters which pass through the territory of Paraguay, then if Brazil has a right to navigate the waters of Paraguay, it results from the fact of Brazil owning territory on the upper waters of the streams which flow through the territorial limits of Paraguay. A right, thus founded is sanctioned by the law of nations and by the sentiments of mankind, and in this enlightened age cannot be successfully resisted. On this principle Brazil must no longer contend for the right she has heretofore exercised of excluding the nations on the upper waters of the Amazon from navigating that river, for the peaceable object of commerce with other nations.

If the doctrine be as above alleged shall the Amazon the largest river in the world, and by far less capable, than any other, of being protected by fortifications from the passage of vessels, be made an exception? And shall it longer be closed from the common use of nations?

The Government of the United States has a Treaty with Perú, by which it is entitled to all the privileges granted to the most favored nations, in the use of its waters and ports. Perú has likewise a Treaty with Brazil, by which the latter has permission to navigate the waters of Perú and to enter its ports, on the upper waters of the Amazon.

The decree of Perú of the 15<sup>th</sup> of April 1853, says:

Art. 2. Subjects and citizens of other states having Treaties with Perú, securing to them the rights of the most favored nations, or who shall be

entitled to enjoy the same rights in regard to navigation and commerce, according to the said Treaties, shall be at liberty, in case they obtain the entry into the waters of the Amazon to enjoy on the banks of Peruvian rivers the same rights conceded to Brazilian vessels and subjects by the preceding Article.

The Government of Perú have also decreed as follows. The decree of January 4, 1854 declares, Art. 1: "that Brazilian subjects may freely navigate the rivers of Perú which are tributaries of the Amazon, in accordance with Art. 1 of Treaty of 23<sup>rd</sup> October 1851": Art. 2 "That the Government shall designate on each river the ports where the contractors who shall have obtained the privilege of steam boat navigation may load and unload their merchandize."

The great obstacle then in the way of the United States to the use of the Amazon to its head-waters is presented by Brazil. This Government keeps that river closed to the other nations and makes of it but little use itself, a stream intended by its Author, as its size indicates for the use of the whole world. The Government of the United States claim as a natural right the privilege of navigating that stream with merchant vessels for the purpose of commercial intercourse with the nations residing on its upper waters.

This claim we think, is sustained by the law of nature and that of nations, and by the sentiments of mankind, generally. The United States are disposed to respect the claim set up by Brazil in this matter, and have proposed and still are desirous to enter into a General Treaty on the most liberal principles with Brazil, and to compensate that Government liberally for the privilege they seek in the free use for their citizens of the Amazon.

Shall we not then without delay enter into negotiations on this subject and by liberal concessions on each side conduct our efforts to a successful issue?

The undersigned takes this occasion [etc.].

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*William Trousdale, United States Minister to Brazil, to William L. Marcy, Secretary of State of the United States*<sup>1</sup>

[EXTRACT]

No. 39

RIO DE JANEIRO, July 30, 1855.

SIR: Being well satisfied that the plan submitted on the 6<sup>th</sup> of December last<sup>2</sup> on behalf of the Government of the United States to the Government of Brazil for a Convention, was consigned to oblivion, under the pretence of being submitted to a section of the Council, I addressed a Note to the

<sup>1</sup> Despatches, Brazil, vol. 22.

<sup>2</sup> See above, this part, doc. 679.



Secretary of State for Foreign Affairs, on the 24<sup>th</sup> instant,<sup>1</sup> relating to the subject of a Convention and to that of navigating the Amazon.

I visited the Foreign Office two days after, hoping to meet the new Secretary. His Excellency was not there, but the Assistant Secretary was, with whom I had a conversation of about two hours. In this interview many of the points made in my Note of the 24<sup>th</sup> were referred to, some of which did not appear to be well relished by the Under-Secretary. It seemed to him rather strange that it should be said the Government of the United States was *determined* to secure for her citizens the free use of the Amazon, for commercial purposes, with the nations residing on its upper waters. He also endeavored to refute the suggestion in my Note, that the policy of Brazil, in relation to the navigation of the waters of the Amazon, and those of the La Plata, was not consistent. In fact, the whole Note had a bearing, widely different from the views entertained by him. Whether this Note will stimulate action, where none was intended, is yet to be seen.

Very Respectfully [etc.].

690

*William Trousdale, United States Minister to Brazil, to William L. Marcy, Secretary of State of the United States*<sup>2</sup>

[EXTRACT]

No. 40

RIO DE JANEIRO, *August 13, 1855.*

SIR: . . . I have endeavored to ascertain the views of this Government, in relation to the plan for a Convention now under consideration here; but have learned nothing more than has been stated in former Despatches.

The policy of Brazil, in making Treaties, as I understand it, is to treat with powers weaker than herself, and to reject all propositions for Treaties, coming from Governments more powerful than she is. . . .

I am, Sir, [etc.].

691

*William Trousdale, United States Minister to Brazil, to William L. Marcy, Secretary of State of the United States*<sup>3</sup>

[EXTRACT]

No. 43

RIO DE JANEIRO, *October 30, 1855.*

SIR: . . . In the month of August last, a revolution occurred at Montevideo, in the Republic of Uruguay by which the President Flores was compelled to

<sup>1</sup> Above, this part, doc. 688.

<sup>2</sup> Despatches, Brazil, vol. 22.

<sup>3</sup> Despatches, Brazil, vol. 22.

The omitted portion, in addition to treating of claims and routine matters, refers to an enclosed copy of a communication to him, from the Foreign Minister of Paraguay, which

resign, and Bustamente elected to succeed him. The Minister of Uruguay at this Court, Mr. A. Rodrigues, on the 17<sup>th</sup> September last, addressed a communication to this Legation, containing a statement of the transaction, of which I enclose a copy, marked E-43<sup>1</sup>. The Government of Brazil has sent the Viscount [Visconde] de Abaeté to Uruguay, with full power, it is said, to adjust all differences. The result of this mission is not yet known. . . .

I am, Sir, [etc.].

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transmitted a newspaper containing documents regarding a controversy between that Government and the Brazilian representative at Asunción, over the boundary dispute between the two countries. The documents are in Spanish, and cover sixty-four printed pages between octavo and folio size.

<sup>1</sup> The following is the communication to Trousdale from the Uruguayan minister at Rio de Janeiro; it is followed by the enclosures which accompanied it:

*Antonio Rodríguez, Uruguayan Minister to Brazil, to William Trousdale,  
United States Minister to Brazil*

E-43

RIO DE JANEIRO, September 17, 1855.

MR. MINISTER: The events which occurred in the capital of the Oriental Republic of Uruguay on the 28th of last month, have caused the Government of that state to declare suspended its official relations with the Envoy Extraordinary and Minister Plenipotentiary accredited to it by His Majesty the Emperor of Brazil.

The motives which have influenced my Government to adopt such a measure are so well known that its official explanation will contribute in no degree to increase the deep conviction already entertained by the public regarding its perfect expediency, legality and justice.

Notwithstanding, my Government, animated by the desire of obtaining upon all occasions the support of the governments which are allied or friendly to the Republic, has entrusted me with the special duty—which I fulfill with much pleasure—of communicating particularly to each one of the Ministers and Foreign Agents composing the Diplomatic Corps accredited to this Court, the attached documents [They follow.—Ed.], which I have the honor to address to Your Excellency in the form of certified copies through which the Government of the United States will learn of the true causes of misunderstanding which have brought about the suspension of official relations with the representative of His Majesty the Emperor of Brazil in the Republic, and will be able to form for itself an exact judgment of what has constituted moderation, law and justice in the proceedings under discussion.

Having thus discharged the duty entrusted to me by my Government, I hope Your Excellency will find therein an eloquent testimony of the respect and confidence inspired in this Government by the noble virtues which distinguish the enlightened Government so worthily represented in this Court by Your Excellency.

I have the honor [etc.].

*Francisco Agell, Minister of Foreign Affairs of Uruguay, to José Maria do  
Amaral, Brazilian Minister to Uruguay*

No. 1.

MONTEVIDEO, August 29, 1855.

The undersigned, Minister of Foreign Relations, has the honor to address himself to His Excellency the Minister of the Empire of Brazil, D<sup>o</sup> D<sup>na</sup> José M<sup>a</sup> do Amaral to inform him that he is at the front of the Nation with forces sufficient to put down the Anarchists, who yesterday took possession of a part of the city, thus trampling upon all constitutional principles, and at the same time to indicate to Your Excellency, that, desiring to avoid by all possible means the shedding of blood between the Orientals, he hopes for the cooperation of His Excellency the Minister with the Auxiliary Army at his command, in accordance with the agreements existing between the Government of the Republic and that of His Majesty the Emperor of Brazil, and in fulfilling the order of His Excellency the President of the Republic, he has the honor to offer assurances of his highest respect. God preserve Your Excellency many years.

Footnote 1, page 482—*Continued*

No. 2.

August 31, 1855.

EXCELLENCY: The undersigned, Minister of Foreign Relations, had the honor of addressing to His Excellency the Minister of the Empire of Brazil, D<sup>e</sup> D<sup>a</sup> Jose Maria do Amaral, a note dated the 29th instant which was of an urgent nature, copy of which is attached, and which was delivered to the Headquarters of the Brazilian forces at the three Crosses.

The undersigned notes with surprise that His Excellency has not seen fit to reply to it; he would not wish to form a judgment on the strength of this which would be painful to him to anticipate; notwithstanding, it is my duty to state to His Excellency that the express case stipulated by the treaty celebrated between my Government and that of His Majesty the Emperor of Brazil, of an armed rebellion to overthrow the Constitutional President of the Republic, having arisen, and gathering strength with impunity, notwithstanding the forces of the Empire which should serve to overthrow it, he sees with concern that these forces remain unmoved in contravention of the said treaty. It is for this reason that His Excellency the President of the Republic directs me to address the Minister Plenipotentiary of the Empire of Brazil, D<sup>e</sup> D<sup>a</sup> José Maria do Amaral, in order to obtain a prompt and categorical response in respect thereto within a period of twenty-four hours from the present.

And in complying with the orders of my Government, I have the honor to offer assurances of my highest and most distinguished respect. God preserve Your Excellency many years.

No. 3.

September 1, 1855.

EXCELLENCY: The undersigned, in addressing himself to the Minister Plenipotentiary of His Majesty the Emperor of Brazil, D<sup>a</sup> José M<sup>a</sup> do Amaral, complies with the directions given to him by his Government to declare to Your Excellency that by two official notes dated the 29th and 31st of last month, he had the honor to bring to Your knowledge the scandalous rebellion, stirred up by some anarchists who managed through a premeditated act to take possession of the city, and moreover, attempted to assassinate His Excellency the President of the Republic, who happily was able to escape.

This outrageous event, the impunity with which the anarchists continue to increase their forces and prepare points of defense under the protection of the allied forces; the indifference with which Your Excellency regards the position you should assume, in violation of the treaty of alliance between my Government and that of His Majesty the Emperor of Brazil, impose upon my Government the duty of protesting, as it does, against the conduct observed by the Minister Plenipotentiary of Brazil, making him responsible to his Government for all the ills which must result to the country; suspending at the same time its relations with the Imperial Minister until satisfaction worthy of his Government is obtained for infraction of the good faith with which the Government of the Republic accepted the treaties of alliance with His Majesty the Emperor.

And in thus fulfilling the orders of my Government, I have the honor to assure the Minister Plenipotentiary of Brazil of my most distinguished consideration. God preserve Your Excellency many years.

*Antonio Rodríguez, Uruguayan Minister to Brazil, to José Maria da Silva Paranhos, Minister of Foreign Affairs of Brazil*

RIO DE JANEIRO, September 10, 1855.

The undersigned, Envoy Extraordinary and Minister Plenipotentiary, has received orders from his Government to address himself to Sr. Don José M<sup>a</sup> da Silva Paranhos, requesting the immediate recall of Don José M<sup>a</sup> do Amaral, Envoy Extraordinary and Minister Plenipotentiary of His Majesty, in the interest of the peace, harmony and good understanding which must exist between the Republic and the Empire.

The injudicious conduct of Sr. Amaral in the discharge of his official duties: the frequent neglect of which he is guilty with respect to the supreme authority to which he is accredited by his sovereign and, lastly, his ostensible intimacy and alliance with all that is most hostile and most prejudicial to that same authority in the country where it reigns and is generally obeyed and respected, are so many considerations which lead to the conviction that his person, very much esteemed in other respects, is not one of the most suitable to be charged with the realization of those inestimable benefits which are the constant object of the solicitude and vigilance of both Governments.

Even today the conviction is almost universal that the purpose of the Envoy Extraordinary and Minister Plenipotentiary, Don José M<sup>a</sup> do Amaral, in proceeding in such a

Footnote 1, page 482—*Continued*

strange manner, is to excite undue intimations against the person of His Excellency the lawful President of the Republic, encourage illicit hopes among his political opponents, and spread distrust through all classes of that society, with the determined purpose of rendering his administrative path difficult, and obliging him, perhaps, by this means, to yield to demands absolutely incompatible with his position as Supreme Chief of an independent nation, and with the honest conception of loyalty and good faith so justly due to the Government of His Imperial Majesty.

Such are the odious interpretations to which has given rise, both within and without the country, the conduct observed by the Envoy Extraordinary and Minister Plenipotentiary accredited by His Imperial Majesty to the Government of the Oriental Republic of Uruguay.

The undersigned, notwithstanding, is particularly pleased to assure Sr. Don José Maria da Silva Paranhos, Minister and Secretary of State for Foreign Relations, most explicitly that the Government of the Republic, for its part, has never done that of the Empire the injury of supposing it to be either directly or indirectly implicated in such conduct.

Moreover, in the meantime, it likewise considers that its author can not fail to be subject to some sort of responsibility or censure on the part of his Government, and does not see what other can be so legitimately imposed upon him as that which will make it absolutely impossible for him to compromise with his personal acts the good relations existing between the two Governments.

Under such circumstances, and considering moreover how disagreeable it would be for the Government of the Republic to continue its relations with that of His Imperial majesty through the medium of a person who is notoriously unfriendly to it, and who, in the opinion of his countrymen is an enemy of public order and tranquillity: the undersigned confidently hopes that the Government of His Majesty will be so good as to send its letter of recall as soon as possible to the said Envoy Extraordinary and Minister Plenipotentiary, Don Jose [José] Maria do Amaral, and appoint any other of its subjects, who, equally meriting its confidence, may combine in a superior degree the qualities that are necessary in order to work advantageously in the interest of the consolidation of peace, strengthening of relations of friendship and good understanding, and promotion of the happiness and mutual well-being of both states.

The Government of His Majesty would thereby give a great proof of friendship to that of the Republic, at the same time that it would free the latter from the very natural regret of seeing itself obliged to adopt other measures, with respect to Sr. Amaral of a less conciliatory character, but none the less authorized by regard for its own security, and by the principles and practices of the law of nations.

Having thus fulfilled the orders of my Government, the undersigned has the honor to reaffirm to Sr. Don José Maria da Silva Paranhos, Minister and Secretary of State for Foreign Relations of the Empire, the assurance of his high esteem and distinguished consideration.

*Antonio Rodríguez, Uruguayan Minister to Brazil, to José Maria da Silva Paranhos, Minister of Foreign Affairs of Brazil*

RIO DE JANEIRO, September 14, 1855.

MR. MINISTER: A disgraceful insurrection has just taken place in the capital of the Oriental Republic of Uruguay.

On the 28th of last month, a group of misguided men dared to rise against the person and legitimate authority of the Supreme chief of that State who has found it necessary for that reason to abandon temporarily the seat of his Government.

Order has been disturbed; public tranquillity there has been seriously compromised: the constitution violated, ridiculed, cast down, in broad day and in the face of all the world.

In the meantime, the Imperial Division, which, by the Treaty of Alliance of October 12, 1851, and subsequent Agreement of August 5, 1854, was admitted into the territory of the Republic with the determined object of leading effective support to the legitimate authority, provided it should be in defense of order, public tranquillity, and constitutional principles, has crossed its arms and remains an indifferent spectator to those events, as if they did not concern it.

Meanwhile, the Government of the Republic has more than once requested, urged upon the Envoy Extraordinary and Minister Plenipotentiary of His Majesty the Emperor of Brazil accredited to it, the punctual fulfillment of that solemn obligation;

*William Trousdale, United States Minister to Brazil, to José Maria da Silva Paranhos, Minister of Foreign Affairs of Brazil*<sup>1</sup>

A<sup>44</sup>

RIO DE JANEIRO, November 8, 1855.

The undersigned, Envoy Extraordinary and Minister Plenipotentiary of the United States presents his compliments to His Excellency José Maria da Silva Paranhos, of the Council of H. M. the Emperor, Minister and Secretary of State for Foreign Affairs, and has the honor to state that a publication, not official, appeared in the *Jornal do Commercio* of the 25<sup>th</sup> October 1855, which contained an unsatisfactory account of the murder of five or six American citizens, by a detachment of Brazilian officers and soldiers from the Fort at Tabatinga, on the frontier of Perú. The following is quoted from the publication:

"The arms, plates and boxes bore the marks of North American manufacturers, thus leaving no doubt respecting the origin of such guests."

The publication also shows that an official report of the transaction has been made to the Government. The undersigned quotes the following: "But little can be ascertained from the official communication of the commander, as to what occurred in the action between the detachment and the fugitives."

The undersigned being desirous to ascertain the facts of this transaction, and supposing that no objection exists to a speedy compliance with the request, has to ask the favor of His Excellency to forward to this Legation a statement of the facts, as reported to the Government of Brazil by the officer under whose order this barbarous occurrence was executed.

The undersigned takes this occasion [etc.].

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Footnote 1, page 482—*Continued*

but the representative of His Majesty, failing in the consideration and civility which are due to the Chief of every Sovereign and Independent State, as the Oriental Republic of Uruguay is and always will be, has not deigned to consider its just claims, nor has he even replied to them.

In the meantime public opinion throughout the country designates that same Minister as the accomplice and principal supporter of that uprising, to the realization of which he has contributed with the influence of his position and with his advice more openly and with less caution than would comport with the circumspection befitting his public character.

In such a situation, then, my duty requires that I protest in the most formal and solemn manner in the name of my Government, against the manifest infraction of the Treaty of Alliance of October 12, 1851, and Agreement of August 5, 1854, and against the abuses committed by the said Minister Plenipotentiary of His Imperial Majesty against the public faith, immunities and privileges conceded by the Law of Nations to foreign agents of his class; and against the injuries and damages to the Oriental Government and people which may have originated or may in the future originate therefrom.

Which protest I hope Your Excellency will be good enough to concede to me, with assurance of my perfect esteem and distinguished consideration.

<sup>1</sup> Despatches, Brazil, vol. 22, enclosed with Trousdale to the Secretary of State, below, this part, doc. 694.

*José Maria da Silva Paranhos, Minister of Foreign Affairs of Brazil, to William Trousdale, United States Minister to Brazil*<sup>1</sup>

B<sup>44</sup>

RIO DE JANEIRO, November 10, 1855.

The undersigned, of the Council of His Majesty the Emperor, Minister and Secretary of State for Foreign Affairs, had the honor to receive the note dated the 8th instant, in which Mr. W. Trousdale, Envoy Extraordinary and Minister Plenipotentiary of the United States, requested to be advised with regard to the official report received by the Imperial Government as to the conflict which recently occurred on the frontier of the Provincia de Amazonas, and which was discussed by the "Jornal do Commercio" of this city in its number of the 25th of last month.

The undersigned begs to inform Mr. Trousdale of the report which the President of the Provincia do Amazonas, rendered regarding the event in question, under date of the 3rd ultimo.

The military authority at Tabatinga on the Brazilian frontier was informed by the Governor of the District of Loreto [in] Peruvian territory, that nine foreigners, Americans or Germans, had attacked the residency house of the Governor of Tengó Maria, stolen the sum of six hundred pesos in money, and various effects worth eighty seven pesos and five reals, in addition to other objects which were mentioned in the said report. The above mentioned Peruvian authority requested that, if the criminals passed into Brazilian territory they be apprehended and sent back to be tried and punished there for the offense which they had just committed.

On August 18th, at two o'clock in the morning, i.e. thirteen days after the date of the above mentioned communication, six unknown foreigners who, it was naturally to be presumed, were of the number of those who had been denounced by the Peruvian authorities, appeared at the frontier at Tabatinga. No sooner had they been informed that they could not pass without a permit, than they opened fire on the small guard posted there, which resulted in the death of one of the soldiers of said force, the serious wounding of another, and the dispersion of the remainder.

Having been informed of this occurrence and that the perpetrators of the deed were proceeding down the river, the Commandant of the Port of Tabatinga at once despatched a force of eleven men to capture them. At two o'clock in the afternoon of the same day, the 18th of August, they were sighted off the Island of Javary, where they landed in great haste throwing into the river several packages which they were carrying. Being pursued there by the guard and called upon to surrender, they attempted to resist, as they had done at Tabatinga on the frontier, and as a result of this conflict,

<sup>1</sup> Despatches, Brazil, vol. 22, enclosed with Trousdale to the Secretary of State, below, this part, doc. 694.

five were killed. It is not known what became of the other, who fled and was not found.

The foregoing is the substance of the official communication which the President of the Provincia de Amazonas sent to the Imperial Government immediately after the occurrence. The nationality of the unfortunate persons in question was not known, nor does the Imperial Government have proof that the arms which they carried bore the mark of North American factories, as stated by the correspondent of the newspaper mentioned by Mr. Trousdale.

The Imperial Government hastened to instruct its representative in the Provincia do Amazonas to continue the investigations prescribed by law in such cases, and to take the greatest precautions to police and defend that frontier so as to avoid a repetition of such deplorable occurrences.

The undersigned believes that he has complied with the quite proper demand of Mr. Trousdale and avails himself of the occasion [etc.].

## 694

*William Trousdale, United States Minister to Brazil, to William L. Marcy, Secretary of State of the United States*<sup>1</sup>

No. 44

RIO DE JANEIRO, November 16, 1855.

SIR: In the "Jornal do Commercio" of the 25<sup>th</sup> October 1855, appeared a tragical narration, of a party of American citizens, proceeding from Australia, who had landed in Callao de Lima. Having been unsuccessful in Australia, they went in search of a country where gold was more abundant and where fewer were engaged in searching for it. These adventurers, it was said, expected to find a new El Dorado on the banks of the Amazon, and they declared their intention of proceeding there, with the view of becoming rich within a few days.

The "Jornal" further stated:—"There is no positive proof of their having carried out their intention, but it is very probable that the following account of a bloody encounter between some Brazilian troops of the garrison of Tabatinga, on the frontier of Perú, and six adventurers of the Anglo-Saxon race, who fled from the territory of that Republic, came down the Amazon, and entered on our waters, is closely connected with the accounts received from Lima.

The "Jornal" then gives the following statement:

"Barra, September 9<sup>th</sup>"

"An express sent by the commander of the frontier of Tabatinga brought us on the 2<sup>nd</sup> inst. the startling account of a conflict of the most serious

<sup>1</sup> Despatches, Brazil, vol. 22.

nature which occurred on the 18<sup>th</sup> and 19<sup>th</sup> of August last, between a band of strangers descending from Perú and our garrison on that frontier."

"On the 18<sup>th</sup> at 2 O'clock in the morning one of our soldiers was seriously wounded by the firing of a revolver, and at 2 O'clock in the afternoon of the next day the six aggressors were defeated in an engagement with a detachment of ten men sent to pursue them and bring them back to the fort, they having forcibly passed the frontier on the preceding night and answered the call of our sentinel by firing on him."

It is then stated that: "The further details of this occurrence are not yet well known, but I transmit to you, the most authentic account I have been able to obtain of this painful transaction."

"Captain Joaquim Bernardino Magalhães Garcez, commander of the frontier of Tabatinga, received a communication from the Governor of Loreto, who stated that a party of strangers came to Loreto, who had forced him to give them passports to continue down the Amazon; that he had received an order from the Governor General of Nauta to seize the said strangers, they having committed a robbery amounting to \$600 in money and \$500 worth of merchandise; he (the Governor of Loreto) could not resist the said strangers, not having sufficient forces for that purpose, and he therefore communicated these facts to the Brazilian commander in order that he might adopt whatever measures he thought proper."

"This news arrived on the evening of the 17<sup>th</sup>; the strangers soon followed, after having made use of violence towards the Governor, and continued on to Tabatinga in a boat, six in number: Captain Garcez immediately ordered out a patrol, which he posted on the river above the fort of Tabatinga, and ordered it to hail and bring to the fort any boat descending from Perú."

"About 2 O'clock in the morning the boat was perceived and boarded by the patrol, whose boat accompanied the other a short distance in its descent, and upon the patrol's insisting upon their landing at Tabatinga, the men on the boat finally answered by a discharge, which killed the mate and wounded a soldier named Rodrigues, whose body was penetrated by the shot of a revolver; one of the Indian boat-men was also slightly wounded. In consequence of so unexpected an answer, the patrol, composed of three men, retired to report the occurrence, as they had received no orders to oppose so violent and outrageous an act, and could not consequently return the fire which had been made upon them in so unjustifiable a manner."

"The boat continued on its course and no attention whatever was paid to the summons to stop and communicate with the commander of our outpost. This officer, seeing his authority thus scorned, and being outraged by an attempt to assassinate his patrol which resulted in the death of the mate and serious wound inflicted on one of the men, immediately ordered a detachment of ten men, commanded by Captain Lima, after the fugitives, who were



discovered by the said detachment at the mouth of the Javary, after 12 O.cl. on the 18<sup>th</sup>."

"But little can be ascertained from the official communication as to what occurred in the action between the detachment and the fugitives. Lieut. Santos, who brought the different documents upon the subject and who belonged to the detachment, reports that the fugitives, on seeing the detachment, commanded by Lima approach, landed on the Island of Javary, opposite the mouth of the river, threw some boxes into the river and endeavored to take refuge in the forest, and prepared themselves to again repel by the use of arms any demands which the authorities, in fulfilling their duty might see fit to make. Captain Lima, seeing this, divided his forces, landing a portion of them above the other boat, and with the rest he landed below the same point. In the attack which then occurred and in which the strangers were exposed to a cross fire, and were inferior both in situation and in number, the result was that five of them were killed by our men and the sixth took refuge in the forest, where he could not be found the same day, and where he could not avoid perishing, being probably mortally wounded and in a marshy and desolate Island."

"The bodies were thrown into the river as there were no instruments on hand to dig burial-places for them; and it was anything but prudent to convey them to Tabatinga on account of the rapid decomposition which would have been dangerous to the boat's crew."

"No one was killed in our detachment in this second encounter of the 19<sup>th</sup>. The features of the dead men indicated that they belonged to the Anglo-Saxon race; their effects were preserved in testimony, and were handed to the commander of the Province; consisting of one gun, 2 six-shooters (a third one remaining at Tabatinga) a bowie-knife about 9 inches long, and various little articles contained in a bag; the arms, boxes and plates bore the marks of North American manufacturers thus leaving no doubt respecting the origin of such guests; however, as they threw their trunks into the river, no coins, papers, or other indications of the nationality of the bodies have been found."

"The Vice-President sent up the State's Attorney of Ega to proceed to an investigation of the whole occurrence."

The above statement not professing to be official, I addressed a Note to the Secretary of State for Foreign Affairs, asking him to send to this Legation the facts of the case, as reported to the Imperial Government by the officer commanding the fortress of Tabatinga, who ordered out the detachment. My Note bears date the 8<sup>th</sup> inst. and the answer is dated on the 10<sup>th</sup> of the month. I hereby enclose copies of them marked A<sup>44</sup> B<sup>44</sup>.<sup>1</sup>

In my Despatch N<sup>o</sup> 43 mention is made of the case of the Bark "Edna"; a communication on that subject has been received since, at this office,

<sup>1</sup> For these notes, see above, this part, docs. 692 and 693.

from the United States Consul at Rio Grande, George F. Upton Esqr. of which I herewith send you a copy marked C<sup>44</sup>.

Some revolutionary movements are said to be in operation in Buenos Ayres, though nothing of much interest had occurred at the date of our information.

The Cholera is still in this City, but is said to be abating. Upwards of four thousand persons are reported to have died of it.

The "Bainbridge" left this Port yesterday for the river de La Plata.

The Flag Ship "Savannah" is at anchor in the Bay, having recently returned from a cruise of about one month; evening before last, I had a visit from the vigilant, prudent commander on this station, Commodore W. D. Salter, who reports all well.

The box of books, lately forwarded to the Legation, is in port, I learn, but not yet landed.

The Brazilian troops which have been stationed at Montevideo are under orders to leave that Republic.

I am, Sir [etc.].

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*William Trousdale, United States Minister to Brazil, to José Maria da Silva Paranhos, Minister of Foreign Affairs of Brazil*<sup>1</sup>

A<sup>45</sup>

RIO DE JANEIRO, November 21, 1855.

The undersigned, Envoy Extraordinary and Minister Plenipotentiary of the United States, presents his compliments to His Excellency José Maria da Silva Paranhos, of the Council of H. M. the Emperor, Minister and Secretary of State for Foreign Affairs, and has the honor to again ask the attention of His Excellency to the fact, that the undersigned, on the 6<sup>th</sup> of December last,<sup>2</sup> submitted to His Excellency's predecessor a plan for a Convention between the Empire of Brazil and the Government of the United States.

This proposed Convention contains, among other things, a proposition for the free navigation of the waters of the river Amazon, by the citizens of the United States.

In addition to reasons given on former occasions, why the citizens of the United States and the commercial world at large should enjoy the privilege of free navigation on the waters of the Amazon, the undersigned will suggest the following.

On the 23<sup>rd</sup> of October 1851, Perú gave to Brazil the right to navigate her interior waters, by Treaty.

Before that time, Perú by Treaty had given to the citizens of the United States, all the rights and privileges, which should be afterwards granted

<sup>1</sup> Despatches, Brazil, vol. 22, enclosed with Trousdale to the Secretary of State, below, this part, doc. 697.

<sup>2</sup> Above, this part, doc. 679.

to those of the most favored nations, and to frequent with vessels all the coasts, ports and *places* at which foreign commerce is or may be permitted.

Perú issued a Decree throwing open to the United States the same ports that she had thrown open to Brazil.

A change took place in Perú, in the Minister of Foreign Affairs. It was declared that the Treaty of Navigation concluded with Brazil on the 23<sup>rd</sup> of October 1851, was a special one, regarding the interior waters of the Republic; and a Decree explanatory of that of April 15<sup>th</sup> 1852 was issued, which virtually repeals the 2<sup>nd</sup> Article of that Decree, which 2<sup>nd</sup> Article gives to our citizens and vessels the same rights in the Peruvian waters of the Amazon that are given to the subjects and vessels of Brazil by the Treaty of the 23<sup>rd</sup> October 1851.

The Bolivian Government declares free to the commerce and mercantile navigation of all the nations of the Globe, the waters of the navigable rivers which, flowing through the territory of this nation, empty into the Amazon and Paraguay. Free ports are also declared on the said waters.

On the 26<sup>th</sup> November 1853, the Senate and House of Representatives of Ecuador, in Congress assembled, declared that their rivers and other streams flowing into the Amazon, were free for navigation for vessels to whatever nation they belonged for twenty years, and goods imported to be free for the same time.

American rivers, whose navigation is of interest to various nations, ought to be considered, as prolongations of the sea, open to all the world, by natural right, and without the necessity of Treaty stipulations, the Amazon being one of that class.

The general benefit of commerce, which increases every day, should regulate the doctrines of international law. This law has always followed the changes of civilization, has been, and is progressive, suiting itself to the existing state of things.

Brazil is an American nation; she is in friendship with the United States; they are both the most powerful and wealthy nations on this Continent; both are slave-holding powers; the trade between them is advantageous, particularly to Brazil. In her apprehension of us, she does us a wrong, which it is hoped, she will soon discover.

It is sometimes said that we keep the navigation of our rivers to ourselves. This is not true.

The vessel of any foreign nation passing through the formalities of the Custom-House at New-Orleans, may carry her cargo under her own flag to St. Louis, Memphis & Cincinnati, ports of delivery, discharge there, and take in a return cargo for her own country. So on the Hudson and other rivers. These waters are exclusively ours.

The fact is admitted that no nation holding the strait which connects two

seas, has the right to block up that strait, and prevent the free passage of commerce.

The Spanish Republics of the Amazon have established the freedom of the seas upon their navigable tributaries of that river. They have invited the world to come and use their waters.

By their decrees, these Republics have removed the navigation of the Amazon from the condition of a diplomatic question with Brazil, and made it a great international question, for the determination of the law of nations.

These decrees have converted the navigable tributaries of the Amazonian Republics into arms of the high seas.

This wise action, on the part of those Republics has changed the character of the Amazon, internationally, as it flows through the territory of Brazil and has converted it, from a river into a strait, connecting navigable arms of the sea with the main Ocean.

No nation, even should it own both shores of such a strait, has the right to close it against the world, as a common highway.

This right of navigation may be modified for the security of the State through which the river passes.

The Amazon is not like any other river, and cannot be brought within the rule which has been applied to others.

The undersigned takes this occasion [etc.].

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*Memorandum of a conversation between William Trousdale, United States Minister to Brazil, and Visconde de Maranguape at Rio de Janeiro, December 6, 1855.*<sup>1</sup>

On the 6<sup>th</sup> of December 1855 Mr. Trousdale had a lengthy and confidential interview with the Viscount de Muraguape [Maranguape]. This distinguished gentleman, who has filled with marked ability the highest positions in the gift of his country, (among others, that of Minister of Foreign Affairs) is now, a Senator of the Empire and one of a Committee of Three of the Council of State, charged with the examination of the subject of a Treaty with the United States. The other two members of this Committee are the Marquis de Abrantes, the reporter, and Eusebio de Queirós Mattoso Camara, both Senators.

Mr. Trousdale opened the conversation by inquiring what progress, if any, had been made in the examination of the plan of a Treaty with the United States, submitted by him about twelve months ago and whether there

<sup>1</sup> Despatches, Brazil, vol. 22, enclosed with Trousdale to the Secretary of State, below, this part, doc. 697.

was any probability of its meeting with the approval of the Imperial Government.

The Viscount replied that he was happy to be able to inform Mr. Trousdale that in a very few days a Report upon that subject would be made by the Marquis de Abrantes, favorable to the conclusion of the Treaty proposed, and there was every probability that the views of the Committee, of which he was a member, would be ultimately adopted by the Imperial Government.

The Viscount remarked that a Treaty with the United States had always been one of his most cherished projects and that he had frequently advocated such a measure; but his views had met with formidable opposition among the leading men of Brazil, proceeding from the arbitrary and overbearing interpretation given by France and England to their former Treaties with Brazil, and which the latter, as the weaker power, had been forced to submit to. Those Treaties besides, contained stipulations affecting the interior Port—and Custom-House regulations of the Empire which rendered them exceedingly obnoxious to the people. But the Convention proposed by Mr. Trousdale presented nothing of the kind; it was based upon general principles of reciprocity, such as no liberal nation could object to, and he (the Viscount) did not doubt but what it would be favorably received, even among its former opponents. The Marquis d'Abrantes himself had formerly been hostile to the policy of making Treaties, but had lately become a warm advocate of the proposed Convention with the United States.

Mr. Trousdale inquired what were considered to be the Emperor's views respecting the Treaty and whether it was likely H. M. had turned his attention to the subject.

The Viscount answered that he had good reason for supposing that the Emperor was favorably disposed to the Treaty and had thoroughly examined the subject, probably at the suggestion made by Mr. Trousdale in an interview he had with H. M. at Petropolis some time previous. If the plan was approved by the Council of State and Ministers, it was very likely the Emperor would present no obstacle.

In addition to other arguments in favor of the Treaty Mr. Trousdale asked the Viscount whether he was aware that a distinct intimation had been held out, both by France and England, of an intention on their part to interfere hereafter in the affairs of this Continent. The time was not distant, when France might endeavor to aggrandise herself at the expense of Brazil, by claiming the Amazon as the southern frontier of her Cayenne possessions, the boundaries of which had been left hitherto undefined. In view of these pretensions and of the mighty alliance now formed in Western Europe would it not be a wise policy for Brazil to enter into closer bonds of friendship with the United States? By the Monroe doctrine, which had now become a part of American policy, the United States had obligated themselves to resist any encroachments or settlements of foreign powers on this Continent.

The Viscount replied that he had always considered the United States and Brazil to be natural friends and allies; that nature intended them to be such by an identity of interests and a similarity of institutions, social and political. Brazil although a monarchy was in many respects as free, politically, as a Republic, and her social institutions, particularly slavery, which must be preserved, pointed to the necessity of a closer alliance with the American Union. As the two controlling powers of the Continent they were bound, by every consideration of good policy to strengthen the ties of friendship existing between them.

Mr. Trousdale, in conclusion, stated that as the present administration in the United States was drawing to a close, it was very desirable that negotiations should begin as soon as possible, in order that the Treaty might be concluded during his residence at this Court,

The Viscount answered that he could not give Mr. Trousdale any positive assurance as to the precise period of the approval of the Treaty by the Emperor, but he entertained no doubt whatever that the Treaty would be concluded, and that at an early day, and finally he assured Mr. Trousdale that he heartily favored the project and would contribute all in his power to its realization.

## 697

*William Trousdale, United States Minister to Brazil, to William L. Marcy, Secretary of State of the United States*<sup>1</sup>

## [EXTRACTS]

No. 45

RIO DE JANEIRO, December 14, 1855.

SIR: . . . On the 6<sup>th</sup> December 1854<sup>2</sup> I submitted a plan for a Convention to the Brazilian Government, to which no reply in writing has been received. By Note bearing date 21<sup>st</sup> ultimo<sup>3</sup> I invited the attention of the Secretary of State for Foreign Affairs to that fact. On the 11<sup>th</sup> inst. I visited His Excellency, the Secretary, at his residence, and had a personal interview with him of more than two hours. His Excellency, on this occasion, gave me a full *exposé* of his views on such points as I felt interested in. In speaking of the plan for a Convention, His Excellency said, he thought the main object of that measure was, to open the river Amazon to free navigation. This river, he said, would be opened for the navigation of all nations in a short time; but the Brazilian Government preferred to open the Amazon voluntarily, to doing it by Treaty with any one nation. Among the reasons assigned for delay in opening the Amazon, was that Brazil had undefined boundaries which were in process of settlement, and which he had no doubt would soon

<sup>1</sup> Despatches, Brazil, vol. 22.<sup>2</sup> See note of this date, above, this part, doc. 679.<sup>3</sup> Above, this part, doc. 695.

be adjusted; after these difficulties were disposed of the river would be opened. The policy of Brazil, His Excellency said, in relation to Treaties, has undergone no change, and he expressed the belief, that our privileges now, were as ample, as could be obtained by Treaty. His Excellency further added that a Report would soon be made on the plan proposed, and he could not tell what might be the result. Many other things were spoken of during this interview, which I deem it unnecessary here to state. I herewith enclose a copy of my Note, marked A<sup>45</sup>.<sup>1</sup>

. . . On the 6<sup>th</sup> instant I visited the Viscount de Muranguape [Maranguape] at his residence. This gentleman is a member of a Committee of three, to whom has been submitted the plan for a Convention between the United States and Brazil. The Viscount fully approves of the plan as submitted, and he says the other gentlemen are likewise pleased with it, and that a favorable Report will be made by the Marquis d'Abrantes in a few days, recommending the adoption of the plan as it was submitted. The Viscount added that he could give me no positive assurance that the Treaty would be made; but that he had but little doubt on the subject, and that he thought the Marquis d'Abrantes would be made the negotiator. I enclose a Note of this interview marked I<sup>46</sup>.<sup>2</sup>

An arrival here some days ago from Montevideo brings the intelligence that a revolution broke out in that city on the 24<sup>th</sup> November 1855, which lasted about five days and in which 17 persons were killed and 31 wounded. One of the causes of this revolution appears to have been the withdrawal of the Brazilian troops formerly stationed there. On the night of the 24<sup>th</sup> the Government received notice that the *conservative* party headed by Col. Muñoz would attempt a revolution. The President Bustamante then called upon Gen. Flores who was outside of the city with Gen. Oribe to come to the support of the Government. To this Gen. Flores consented and after several days firing in the streets the insurrection was effectually quelled; the insurgents accepted the amnesty conferred upon them by the President and left in great numbers for Buenos Ayres. Gen. Bustamante organized a new Ministry and at the last accounts order was entirely restored.

I am, Sir [etc.].

<sup>1</sup> See above, this part, doc. 695.

<sup>2</sup> See above, this part, doc. 696, his memorandum of the conference of December 6, 1855.

*Francisco Aguiar de Andrada, Brazilian Chargé d'Affaires ad interim at Washington, to William L. Marcy, Secretary of State of the United States*<sup>1</sup>

[TRANSLATION]

WASHINGTON, *March 1, 1856.*

The Chargé d'Affaires, ad interim, of H. M. the Emperor of Brazil, has the honor of presenting his compliments to the Hon W. L. Marcy, Secretary of State, and transmits to H. E., by order of his Government, and for the information of the Government of the United States, an authentic copy of the note which H. E. the Councilor José Maria da Silva Paranhos, Minister and Secretary of State of Foreign Affairs of Brazil, addressed on the 8<sup>th</sup> of July last, to the Minister and Secretary of State, ad interim, of foreign relations of the Republic of Paraguay, wherein are fully developed the bases of the right which the Government of Brazil maintains, in the questions pending between the Empire and that Republic.

The Chargé d'Affaires, ad interim, of H. M. the Emperor of Brazil, avails himself of this occasion [etc.]

[TRANSLATION]

RIO DE JANEIRO, *July 8, 1855.*

The undersigned, of the council of H. M. the Emperor of Brazil, Minister and Secretary of State for Foreign Affairs, has the honor to acknowledge the receipt of the note which was addressed, by order of the M. E. President of the republic of Paraguay, to the predecessor of the undersigned, under date of the 28<sup>th</sup> of last April, by S<sup>r</sup> D Jose Falcão, Minister and Secretary of State for Foreign Relations, ad interim, of the Republic aforesaid.

In this note, the Minister of Foreign Relations states that a treaty of friendship, commerce and navigation, between the Republic of Paraguay and the government of H. M. the Emperor, had been adjusted concluded and signed, by the respective plenipotentiaries, which makes free to the citizens and subjects of the two high parties the navigation of the rivers over which each of them has the right of sovereignty on either side.

The Minister of Foreign Relations adds that H. E. the President was likewise extremely desirous to adjust and conclude a treaty of limits, in order to put an end, at once, to all questions and discussions with the government of H. M. the Emperor, but that unfortunately, the plenipotentiaries had disagreed in regard to the understanding and application of the principle or basis of the *uti possidetis* and it was necessary to come to a determination

<sup>1</sup> Notes from Brazil, vol. 3.

Francisco Xavier da Costa Aguiar de Andrada, the writer of this note, acted as chargé d'affaires *ad interim*, from August 1, 1855 to May 29, 1856. The enclosure, virtually a part of the note, follows it.



upon the question of limits, and this circumstance also rendered it necessary to defer the ratification and exchange of the treaty of friendship, commerce and navigation, until the adjustment and conclusion of the treaty of limits, as intimately connected.

The Minister concludes by assuring that H. E. the President is extremely sorry for this delay, but that he cherishes a flattering hope that the Cabinet of H. M. the Emperor, taking into serious consideration the arguments which the Paraguayan plenipotentiary has submitted to the plenipotentiary of His Imperial Majesty, in some written communications will not long delay in coming to an agreement upon the treaty of limits, in a manner which shall render it impossible to disturb anew the relations of friendship and good understanding between the two governments, which is the *desideratum* of H. E. the President of the Republic.

Having communicated to H. M. the Emperor the aforesaid note of the Minister of Foreign Relations, the treaty of friendship commerce and navigation, and the additional convention which the respective plenipotentiaries signed in the city of Assumption, on the 27<sup>th</sup> of April of the present year, the undersigned has been ordered to declare, as he does declare, to the Minister of Foreign Relations, that the government of H. M. the Emperor has determined not to ratify those adjustments, for the reasons which the undersigned will proceed to state.

The right of Brazil to the free navigation or transit of her flag and subjects through the waters of the Paraguay river and that of Alto Paraná, is a pre-existing right, independent of any new arrangement between the Empire and the Republic of Paraguay; it is a right stipulated for and guaranteed by the treaty of December 25<sup>th</sup> 1850.

H. M. the Emperor of Brazil and the M. E. President of the Republic of Paraguay engaged, by the 3<sup>rd</sup> article of the aforesaid treaty, mutually to assist each other, in order that the navigation of Rio Paraná, as far as Rio da Prata, should be free to the subjects of both nations.

In these stipulations, the free navigation through the waters of the Paraguay and Paraná rivers, in that part where the two nations hold the sovereignty over said waters, for the flag and subjects of both, is implicitly and virtually admitted and secured.

Nor is it possible to conceive how the two nations would have bound themselves by a solemn treaty, and through that treaty have pledged themselves mutually to assist each other, in order that the navigation of the Rio Paraná, in that part where said navigation depended on the concession of the other power, might be free to their respective subjects, if said navigation in the upper part of said river and its tributary—the Paraguay, depending solely on the same contracting parties, was not, and did not remain *ipso facto* free to both.

The navigation of the Paraná being made free to the Brazilian and Para-

guayan flags, if Brazilian subjects were not allowed the right of transit through the Paraguay river, in order to reach the province of Matto Grosso and from thence down to the Rio da Prata, the reciprocity which was evidently intended, in the 3<sup>rd</sup> article of the treaty of December 25<sup>th</sup>,—a reciprocity which was one of the bases and one of the bonds of alliance between the two governments, would be null.

The treaty of December 25 had two principal and very obvious objects;—a defensive alliance against the Dictator Rosas, who threatened the independence of the Republic of Paraguay and of the Oriental Republic of Uruguay; the opening of a communication by water from Paraná to the province of Matto Grosso and to the Republic of Paraguay, which were both excluded from foreign trade and from communication with the sea.

The Dictator Rosas, by delaying the conclusion of the treaty of peace to which the Empire and the Argentine Confederacy had pledged themselves by the preliminary convention of the 27<sup>th</sup> of August 1828, nullified the freedom of navigation of the Rio da Prata and its tributaries, which by the additional article to said convention was to have been adjusted in that new treaty.

The province of Matto Grosso was for this reason, deprived of its natural and most advantageous egress to Rio da Prata and to the ports of the Empire.

The free navigation or transit of the Paraná was a matter of common interest to both Brazil and to the Republic of Paraguay, who, therefore, pledged themselves to mutually assist each other in order to obtain it.

To deny this natural understanding of the 3<sup>rd</sup> article of the treaty of December 25<sup>th</sup>, is impossible; it were besides to pretend that there was not, in this pledge, on the part of the Republic of Paraguay, (which the Imperial Government cannot for one moment believe) the same good faith and cordiality with which the Empire acted.

The intentions which were most prominent at the conclusion of this compact, the spontaneous agreement pre-existing and virtually guaranteed in its 3<sup>rd</sup> stipulation, were made even more clearly manifest in the provision of the 13<sup>th</sup> article.

In this article, H. M. the Emperor of Brazil and the M. E. President of the Republic of Paraguay, stipulated not only that they would establish, by the easiest, most rapid and surest means, a regular communication and intercourse, but that they would open high roads communicating between the two countries.

Can it be possibly maintained that two enlightened and friendly governments, inspired by the same sentiments and actuated by common interests, when they proposed to open ways of communication between the two countries, through their interior territories, through vast and desert sections of inland country, would have allowed the navigation of the Paraguay river

to be shut up, which is a natural, easy and sure way of communication between the province of Matto Grosso and the Republic of Paraguay?

The Imperial Government made the transit through the interior of the Brazilian territory free to the commerce and subjects of the Republic of Paraguay; the government of the Republic did not grant, at the same time, to the commerce and subjects of Brazil, a free transit through the lower part of the river, which serves as a dividing line of demarkation to the two countries; it reserved itself to make this concession when it should feel disposed to do so, or with a view to obtain through it, the objects of the alliance being accomplished, new concessions from Brazil!

Such an interpretation of the 3<sup>rd</sup> article of the treaty of December 25 would be repugnant to good sense, it would be at variance with the friendship and good faith which governed the conclusion of that compact and which have always been paramount in the relations between the two governments.

If other considerations and arguments were necessary to explain and fully to elucidate the true meaning of the provision in question, that is the reciprocal and just obligation which the two high contracting parties so expressed, there is more than one subsequent act and more than one subsequent document to explain and confirm the same.

As it has already been observed, the maintenance of the independence of the Republic of Paraguay, the common defense against the danger which threatened the two countries, the free navigation of Rio da Prata and its tributaries, were the great objects for which H. M. the Emperor and the M. E. President of the Republic of Paraguay, entered into an alliance and agreed upon the stipulations of the treaty of December 25<sup>th</sup> 1850.

The government of his Majesty the Emperor always understood it thus and faithfully tried to redeem its pledge. The government of the Republic of Paraguay, on its part, always showed itself actuated by the same feelings and bound by the same obligations.

In concluding a treaty of alliance with the Oriental Republic of Uruguay, on the 12<sup>th</sup> of October—1851, the Imperial Government stipulated in the 16<sup>th</sup> article of that treaty, that its ally should be bound to assist Brazil for the preservation and defense of the Republic of Paraguay.

It was also settled and laid down in the 15<sup>th</sup> article, that the high contracting parties engaged to invite the other bordering states of the Prata and its tributaries, to enter into a similar agreement, in order to render the navigation of the Parana and Paraguay rivers free to the bordering states.

In the convention of May 29<sup>th</sup> 1851, concluded between Brazil, the States of Entrerios and Corrientes and the Oriental Republic of Uruguay, for the pacification of the latter and the defense of her nationality, it was agreed in the 18<sup>th</sup> and 23<sup>rd</sup> articles, as follows.

“That the governments of Entre—rios and Corrientes should grant to the vessels belonging to the allied states, the free navigation of the

Parana, in that part where said governments have jurisdiction over the borders.

"That the government of Paraguay should be invited to become a party to the alliance, and that, if it should do so, by subscribing to the provisions of the convention aforesaid, it should take the part appertaining to it in the co-operation, in order that it might likewise enjoy the advantages mutually granted to the allied governments."

This invitation was at once addressed to the government of the Republic of Paraguay, and the latter declared that it assented to those stipulations, with two single additional clauses, which did not alter the agreement concerning the free navigation of the waters.

Subsequently the Empire concluded with those same States which entered into the alliance of May 29<sup>th</sup> 1851, the convention of November 21<sup>st</sup> of the same year, which freed the Argentine confederacy from the rule of the Dictator Rosas, and the neighboring states from the war with which said Dictator threatened them.

The interest of the free navigation and the independence of the Republic of Paraguay were not forgotten in this new compact. In the 14<sup>th</sup> article it was agreed as follows.

"The stipulation contained in the 18<sup>th</sup> article of the convention of May 29<sup>th</sup> shall continue in force. And moreover, the governments of Entre-rios and Corrientes engage to use all their influence near the government which shall be organized in the Argentine confederacy, in order that the latter may grant and consent to the free navigation of the Parana and of the other tributaries of Rio da Prata, not only for the vessels belonging to the allied states but also for those belonging to all the other bordering States that shall consent to the same freedom of navigation in that part of the aforesaid rivers belonging to them.

"It is understood that, if the government of the confederacy and the governments of the other bordering states should not wish to concede this free navigation, in regard to what may concern them, nor to agree to the arrangements necessary for that purpose, the States of Entre-Rios and Corrientes shall maintain said freedom of navigation in favor of the allied States, and shall treat with the latter only on the subject of establishing the necessary regulations for the guidance and safety of said navigation."

In this convention as well as in that of May 29<sup>th</sup>, it was stipulated that Paraguay should be invited to enter into this alliance, and upon the same terms as those contained in the former invitation.

Brazil did even more in the interest of the Republic of Paraguay and of the obligations which bound the latter to the Empire.

Events progressed with more rapidity than could have been anticipated at first. It was to be feared that the invitation addressed to Paraguay might not arrive in time, that Paraguay would remain out of the pale of

the alliance, and consequently without right to the benefits of its stipulations. By means of additional articles proposed by the Brazilian plenipotentiary and signed in the city of Gualaguaychú on the 30<sup>th</sup> of the same month of November, a mode was at once solemnly agreed upon by which the government of the Republic of Paraguay might be brought into active co-operation to carry out the ends of that alliance, in which it had the most paramount interest.

If the government of the Republic of Paraguay did not assent to these additional articles and for that reason, omitted entering effectually into the alliance concluded by the Imperial government, the good dispositions and the fidelity of the latter to the compromises which it had entered into with the Republic were nevertheless made fully manifest in those acts.

Nor was the alliance of November 21<sup>st</sup> fruitless, on this account, for the Republic of Paraguay, which saw shortly afterwards her independence recognised by the provisional government of the Argentine confederacy, and entered into the enjoyment of the navigation of the Parana as far as Rio da Prata.

In not accepting the additional articles to the convention of November 21<sup>st</sup>, the government of Paraguay did not cease to adhere to the principles and purposes of that alliance; the want of concurrence on its part, was solely owing to the fact that the two clauses by which it had declared it would take part in the convention of May 29<sup>th</sup>, were not literally admitted.

In view of such significant and solemn stipulations and acts, it is impossible, at this day, to call into question the fact, that Brazil and the Republic of Paraguay mutually conceded and granted to each other the fluvial navigation of the Parana and the Paraguay, in that part where these rivers belong to them respectively.

This fluvial transit is now incontestibly a perfect right of both nations.

The Imperial government acknowledges the obligation which it contracted by the 3<sup>rd</sup> article of the treaty of December 25<sup>th</sup> 1850; it is and always will be ready to fulfill it scrupulously and faithfully.

Brazil had no great interest in making use of this right so long as the navigation of the Parana was closed to all foreign nations, including the bordering States, by the government of the Argentine confederacy; from the moment that this navigation was made free, the exercise of that right became a matter of positive and important interest to the Empire.

The mere navigation or transit of Brazilian subjects through the waters of Paraguay, in order to reach the Province of Matto Grosso or the States of the Prata, does not depend upon new arrangements between the two governments; nor yet upon arrangements concerning the regulation of said transit, much less upon the treaties respecting the territorial limits of the two countries, and their reciprocal trade.

The government of Paraguay is at liberty to establish whatever regula-

tions it may think proper for the policy, safety and fiscal interests of its country, provided it does not transcend its rights of independence and sovereignty. If the government of Paraguay has not done so, and does not wish to do so, the right of Brazil to the free transit of her flag through the waters of the river of that name cannot be, on that account, either suspended or interdicted.

The arrangements to which the 15<sup>th</sup> article of the treaty of December 25<sup>th</sup> refers, are not necessary to enable Brazil to make use of the fluvial transit treated of in the 3<sup>rd</sup> article, the stipulation of which is absolute, distinct and independent of such arrangements.

The settlement of the boundaries of the two countries,—the navigation and commerce between them, are objects which must be decided and regulated, because considerations of peace, the friendly relations and all the permanent interests of the two countries, thus require it; but the pendency of these questions, or of either of them, cannot invalidate nor decide the perfect right of Brazil to the free navigation of the Paraguay river.

If such were not the case, the Republic of Paraguay could not enjoy, as she has enjoyed, the navigation of the Parana and the Uruguay, without previous definite arrangements relative to her commercial arrangements, or settlement of limits, with the respective states.

Brazil does not pretend, in virtue of the 3<sup>rd</sup> article of December 25<sup>th</sup>, that her vessels shall be at liberty to frequent the ports of the Republic opened to the trade of some nations; she does not pretend to it, nor did she pretend to it, although without depending upon the arrangements to which both nations are bound by the 15<sup>th</sup> article of the same treaty, she has already opened the Port of Albuquerque, situated on the right bank of the Paraguay river, as well to foreign commerce in general, as to that of the Republic.

The Imperial government only asks, from this moment, independent of new arrangements, what cannot, strictly speaking, be denied to it, without injustice, without violence, without violation of that international compact; this is, that the subjects and vessels of Brazil shall be at liberty freely to ascend and descend by the Paraguay river.

The treaty of friendship, commerce and navigation signed in the capital of the Republic by the respective plenipotentiaries, on the 27<sup>th</sup> of April of the present year, would be accepted and ratified by his Majesty the Emperor, if by the clause of the 21<sup>st</sup> article and by the additional convention of the same date, it was not made dependent, for its validity and effects, on the solution of the question of limits.

This question is still pending, and the government of the Republic has never taken so much as a single step towards its solution. A treaty, the ratification of which was left entirely dependent upon the settlement of this question, cannot be of any real value.

The ratification of such a treaty and of the additional convention, by

the government of H. M. the Emperor, besides its being useless on account of the eventual provisions of said treaty, might be considered by the government of the Republic as a surrender of the pre-existing right which the Empire has to the navigation of the Paraguay river, in virtue of the treaty of December 25<sup>th</sup>, to which no reference is made in those acts.

The propriety which exists for Paraguay, as well as Brazil, to regulate commerce, navigation and limits between them, is recognized in the 15<sup>th</sup> article of the treaty of December 25<sup>th</sup>, by which the two High Contracting Parties engaged to appoint their respective plenipotentiaries to that effect, as soon as circumstances should permit it, and within the term of the treaty aforesaid. If, in order to accelerate an agreement relative to the question of limits, any compromise of the nature of the acts above mentioned, were necessary, that which is contained in the treaty of December 25<sup>th</sup>, in the aforesaid 15<sup>th</sup> article, would be sufficient.

The Imperial government has been faithful to this obligation, as to all others; it is not necessary for said government to give new proofs of the sincerity with which it desires to settle, in a just and honorable manner, the question of limits between the Empire and the Republic.

This was one of the principal objects of the mission entrusted to Mr. Felipe José Pereira Leal, as well as of the recent mission confided to Mr. Pedro Ferreira de Oliveira.

If neither of these agents of Brazil have been successful, if none of them have been able to induce the Government of the Republic to come to an agreement, in regard to that subject, the Government of H. M. the Emperor was not the cause of this, for, being desirous to prevent all causes of controversy and delay, said government offered to the Republic the most advantageous arrangement that the latter could reasonably have expected.

The principles adopted by the Imperial government, for its settlement of limits with the neighboring States, are the most moderate and reasonable,—they are the only principles which can solve with facility, and in a just and friendly manner, these old questions. These principles are the stipulations entered into between the Courts of Portugal and Spain, in those points where the facts of possession were not at variance with them, and the *uti possidetis* where the latter exists.

Upon these principles, the Government of H. M. the Emperor has concluded treaties of limits with some of the midland States, upon these bases rests the treaty which the Brazilian plenipotentiary, Mr. Pedro Ferreira de Oliveira, submitted to the approval of the Government of the Republic.

The basis of the *statu quo* of the possessions of the two countries, and of the conventions which had been exchanged between the old mother countries, having been rejected, now that this *statu quo* is no longer in conformity with said conventions, now that these conventions must be considered broken

and null, there can be no other basis except the will and convenience of each of the Contracting Parties.

In the arrangement proposed by the Imperial Government, the basis of the *uti possidetis* is not adopted for the benefit of the Empire, it is the Republic that is in want of this basis, in order to legitimate the territory she has acquired *de facto* beyond the limits which were settled between the old mother countries.

The preliminary treaty of October 1<sup>st</sup> 1777, the provisions of which are entirely similar to those of the treaty of 1750, in that part of the frontiers which now belongs to Brazil and to Paraguay, designated, as the boundary line of the Portuguese and Spanish possessions, between the Paraguay and Parana rivers, that which is described by two of the tributaries the Iguerey and Jejuy.

The existence of the Iguerey cannot now be disputed, as it was then by the Spanish surveyors, who relying solely upon the doubts which they themselves had started, because that line ran a little above the city of Assumption, now the capital of the Republic of Paraguay, sought to substitute the Iguatemy river for the true Iguerey, and consequently to cancel, along the line of this river and the Ipaneguassú, the true boundary line designated by the treaty.

The line of the Iguatemy and Ipaneguassú was that which was finally adopted, by a decree of the 6<sup>th</sup> of June 1778 by the Courts of Portugal and Spain.

The projects which followed this decree, did not go beyond attempts unsanctioned by the two governments, or expedients which each of them, or their respective surveyors conceived, consulting only their own convenience.

The Portuguese surveyors always maintained the line of the Iguerey and the Jejuy, even after the decree of the 6<sup>th</sup> of June 1778, which they considered as conditional, relying upon the false hypothesis of the non-existence of the Iguerey river.

During this controversy of their respective commissioners, the two Courts thought of establishing a new boundary line, which, starting from the Leap of the seven Falls, should follow along the upper Cordelheira, which after forming that grand cataract of the Parana river, continues to the westward extending into promontories which jut out into the Paraguay river.

The Spanish commissioners, and especially D Felix Azara, took advantage of the opposition of the Portuguese commissioners to the dividing line of the Iguatemy and the Ipaneguassú and advised their governments to accept the understanding which had been given, on the part of Portugal, to the decree of the 6<sup>th</sup> of June 1778, in order that the same might be considered without effect, in as much as (it was the foundation of this opinion) the line of the Ipané being adopted, Spain would lose the town called Concepcion, and the Portuguese establishments would remain in command of the Capital.



The Court of Spain did not yield at first to the pretensions of their comissioners, since it is known that by a royal order of the 7<sup>th</sup> of April 1782, it determined, that what had been agreed upon by the decree already mentioned, should be observed, but in a manner, so as to save and protect the town of Concepcion.

The projects of Azara and his obstinacy were the cause that neither the stipulation of the treaty of 1777, nor the subsequent decree, were faithfully carried out; that the demarkation of the limits of the two countries remained in suspense and subject to the vicissitudes and conflicts which the occurrences of the times must and did occasion.

The first idea of Azara, who was moreover the most immoderate of the Spanish surveyors, was to run a boundary line along the Iguatemi, the chain of the Maracaju mountains and the Aquidavan river, which in some maps is called Guazambaré, or Aquidabanigui.

Afterwards Azara conceived a new and more arbitrary project, according to which, the line of the real Igurey and the Ipané was to be substituted, in order to satisfy the convenience of his country, for another which was to be drawn from the Ivinheima river, which some called Moinci, others Barras, and which he denominated Jaquary, a river which connects with the Parana, considerably above the Iguatemy.

Even thus, the boundary line did not extend to the north of the city of Assumption, beyond the Apá river; it ran along this, from its head waters, nearest to those of the Ivinheima.

This same Azara was so well convinced of the impossibility of carrying his plan into execution, that in a letter dated the 13<sup>th</sup> of April 1791, he said to his government that he would solicit this demarkation, but that if the Lusitanians made any opposition, he should accept, as a necessity, the line of Iguatemy, and that he would use his efforts to obtain a river opposite, which should protect the villages to the North of the Ipané river.

It was by his advice and earnest solicitations, that from the year 1795, the Spaniards sought to construct small forts on the left bank of the Apá river, and to establish in that territory some evidences of possession.

The M. E. President of the Republic of Paraguay concluded, in the month of October 1844, with the Chargé d'Affaires at Assumption, a treaty which was not ratified on the part of Brazil, and which from what it said in regard to limits, adopted the stipulations of the treaty of S<sup>t</sup> Ildefonso of the 1<sup>st</sup> of October 1777.

It is evident from what has been stated, that the Government of H. M. the Emperor has given the most abundant proof of a spirit of justice and moderation, and of a sincere and earnest desire to put an end to the question of limits between the Empire and the Republic of Paraguay, by proposing, as a boundary line of the two countries, between the Parana and Paraguay

rivers, the line designated by the Igualety and Apá rivers and by the summit of the Maracajú mountain, which separates their head waters.

According to the treaty of 1777, which the Government of Paraguay adopted by the treaty which, in 1844, it concluded with the Chargé d'Affaires of the Empire, Mr. José Antonio Pimenta Bueno, the boundary line would be that of the Igurey and Jejuy.

According to the decree by which the Courts of Portugal and Spain tried to reconcile the differences between their respective surveyors, the boundary line, starting from the Igualety, would not go beyond the Ipané; it would descend by this river as far as its junction with the Paraguay.

If the exaggerated pretensions of the Spanish surveyor Azara were to prevail, the boundary line would not go beyond the Aquidavan, to the north of Assumption and however much it might be stretched, it would not reach the Apá.

With regard to the other points, relative to the right bank of the Paraguay river, the dividing line proposed by the Imperial Government, is not only in conformity with the principles which serve as a basis to said government, but such as was never refused nor disputed, by the Government of Paraguay.

The *uti possidetis* of the Republic is entirely respected on the frontier above indicated; all her possessions are thereby protected. Beyond the Apá, and beyond the Igualety, the Republic of Paraguay has not and never had populations, establishments, or any other evidences of possession. Brazil has had and has them; her dominion over that territory cannot be disputed to her.

The concessions of the Imperial Government cannot be more ample; its sincere desire to remove, at once and for ever, and in the promptest and most reasonable manner the cause which, according to the Government of the Republic, prevents the re-establishment of that perfect understanding and friendship which are so desirable to both countries, is beyond all doubt.

The Government of the Republic gives assurances, on its part, of similar sentiments; but unfortunately the facts have not corresponded with these sentiments; strange circumstances, unknown to the Government of H. M. the Emperor, have certainly contradicted them.

What more does the Government of the Republic expect, relative to the settlement of limits between the two countries?

The discussion to which the Minister of Foreign Relations refers, as having taken place between the Brazilian plenipotentiary and that of the Republic, does not show the intentions of the Government of the Republic; the result could not have been otherwise than it is, to delay the question, to leave it unsettled.

The Government of the Republic, instead of throwing off a reserve which is incompatible with the desire for a just and amicable solution, instead of following the usages of diplomacy, left it in doubt, whether it would

accept or reject, the whole, or in part, of the project of treaty offered by the Imperial Government, it did not admit the medium of verbal discussion, insisting that the Brazilian Plenipotentiary should pledge himself to that of the Republic, to discuss the question by means of Notes; not in regard to the proposed limits, but with respect to the understanding of the *Uti possedetis*, considered as an abstract principle.

The Brazilian Plenipotentiary had to assent, after fruitless efforts on his part to have the question of the settlement of limits postponed, which question, the Government of Paraguay still thought and still thinks to be an urgent one.

The Imperial Government is ready, as it always has been to carry out the stipulations of the 15<sup>th</sup> article of the treaty of December 25<sup>th</sup> 1850. For this purpose, and unfortunately without result, it has sent two missions to the city of Assumption. It now behooves the Government of the Republic to show practically that its desire for the adjustment of these stipulations, is equally decided, by taking the necessary steps for the attainment of that object.

The Imperial Government hopes and requests that the Government of the Republic will send, as soon as possible, a Plenipotentiary to the Court of Rio de Janeiro, with proper instructions to enter into an agreement which may put an end to the question of limits, already so long delayed, and which may become the cause of disagreeable dissensions between the two countries.

The Imperial Government entertains the same spirit of moderation and of justice, and the same friendly wishes of which it has given repeated and manifest proofs to the Government of the Republic. It cannot, however, agree that the Government of the Republic shall disown the obligations which it contracted in virtue of the treaty of December 25<sup>th</sup> 1850, that it shall ignore this treaty as if it had never existed, that it shall make the perfect right which, in virtue of said compact, the Empire has to the free transit of its flag through the waters of the Paraguay river, dependent on the settlement of limits.

The Imperial Government, therefore demands, with just reason and with the most friendly intention, that the Government of Paraguay shall henceforth acknowledge and respect this perfect right of Brazil, and that it shall so declare it, in very explicit terms, in the reply to be given to the present note, a reply which the Government of H. M. the Emperor expects and trusts, may be promptly given, and in a satisfactory manner.

Having thus fulfilled the order of his August Sovereign, the undersigned avails himself of this occasion to renew to D José Falcon, Minister and Secretary of State ad interim of Foreign Relations of the Republic of Paraguay, the expressions of his most distinguished consideration.

*Francisco Aguiar de Andrada, Brazilian Chargé d'Affaires ad interim at Washington, to William L. Marcy, Secretary of State of the United States*<sup>1</sup>

[TRANSLATION]

WASHINGTON, March 31, 1856.

The undersigned, Chargé d'Affaires, ad-interim, of H. M. the Emperor of Brazil, has the honor of addressing himself to the Hon W. L. Marcy, Secretary of State of the United States of America, by order of his government, in order to make the following communication to him.

The Brazilian auxiliary Division, which was detached at Montevideo, marched on the 14<sup>th</sup> of November last for the territory of the Empire.

By the agreement of the 5<sup>th</sup> of August 1854, concluded at Rio de Janeiro, between the Minister and Secretary of State for Foreign Affairs, of H. M. the Emperor of Brazil, and the Envoy Extraordinary and Minister Plenipotentiary of the Oriental Republic of Uruguay, and ratified by the respective governments, the military aid required by the government of the Republic and afforded by that of the Empire, was positively to have ceased, in virtue of the second clause of the aforesaid agreement from the 1<sup>st</sup> of March of the present year, when a new Presidential term commenced.

It having been provided, however, by the fourth clause, that the Imperial government should, before reaching that period, be at liberty to withdraw a part or the whole of its forces, provided that it notified the Oriental government of its determination one month in advance, the government of H. M. the Emperor made known to that of the Republic, more than once, a desire to withdraw the forces without waiting for the period of time stipulated in the second clause, in as much as this was a measure of mutual convenience to both governments.

The political events of last August, which took place in the territory of the Republic, caused it to be feared that the auxiliary Division would have to remain for a longer period of time than the Imperial government desired. A civil war seemed to be at hand, and the Imperial government did not wish, in the midst of a civil war, to withdraw its military support in behalf of peace and the constitutional order of the Republic. Fortunately the circumstance of a new fratricidal struggle was prevented by the good sense and patriotism of the majority of Orientals, and a new order of things regular and peaceful in its character, succeeded to the state of revolt.

In view of these favorable circumstances, the Envoy Extraordinary and Minister Plenipotentiary of H. M. the Emperor of Brazil, on a special mission near the government of the Oriental State of Uruguay, determined, by agreement with the government aforesaid, and adhering strictly to the letter of

<sup>1</sup> Notes from Brazil, vol. 3.

the articles which regulated that military aid, that the Brazilian Division, composed of four thousand men of infantry, artillery and cavalry, should withdraw, at latest, on the 15<sup>th</sup> of December last.

It was not necessary however to wait so long, and on the 14<sup>th</sup> of November as it has been stated, the Division took the line of march for the province of S Pedro of Rio Grande of the South.

The undersigned is very much pleased to add that the Oriental government acknowledged, in the most flattering terms, the brave conduct of the Brazilian soldiers and the services rendered by the latter to the Republic, during a period of nearly two years. The sympathies of the population, in general, were likewise manifested in a very expressive manner.

Natives as well as foreigners, all those who only beheld in the Imperial Division a guaranty of order and public safety, evinced regret at its withdrawal.

The undersigned, in making this communication, requests the Hon Secretary of State to make its contents known to the government of the United States of America, and avails himself of this opportunity [etc.].

## 700

*William Trousdale, United States Minister to Brazil, to William L. Marcy,  
Secretary of State of the United States*<sup>1</sup>

[EXTRACT]

No. 50

RIO DE JANEIRO, *April 15, 1856.*

SIR: . . . The proposition for a Convention is yet under consideration; it was submitted on the 6<sup>th</sup> December 1854,<sup>2</sup> and from the procrastination, which has the appearance of design, doubts may be entertained as to the intention of Brazil to conclude a Treaty of any kind with the United States.

The Government of Brazil has very recently made a Treaty with the Government of Paraguay and likewise with the Argentine Confederation; but its aversion to treat with the United States remains unchanged. The Secretary of Foreign Affairs stated that the Brazilian Government intended at an early period to open the river Amazon to Navigation generally, but he specified no period in particular when this would be done. . . .

I am, Sir [etc.].

<sup>1</sup> Despatches, Brazil, vol. 23.    <sup>2</sup> See the note of that date, above, this part, doc. 679.

*J. F. de Paula Cavalcanti de Albuquerque, Brazilian Minister to the United States, to William L. Marcy, Secretary of State of the United States*<sup>1</sup>

WASHINGTON, September 10, 1856.

EXCELLENT SIR: With the note, which Your Excellency did me the honor to address to me, on the 12<sup>th</sup> of August ultimo,<sup>2</sup> I received a copy of the Communication, which was, by order of the President, transmitted to Count de Sartiges, Envoy Extraordinary and Minister Plenipotentiary of His Majesty, the Emperor of the French, in answer to the invitation, extended to the Government of the United States with the view of securing its assent to principles, relative to questions of maritime law, embodied in the declaration signed by the Plenipotentiaries of the European Powers, which took part in the late Congress.

Presuming that my Court had received a similar invitation; Your Excellency expressed to me a desire that I would communicate that answer, in order that the Imperial Government might, before deciding that question, take into consideration the reasons alleged by the President for withholding his concurrence in the proposition of Said Powers.

Deeming it a pleasing duty to further such a wish; I, without any loss of time, transmitted to my Government not only the answer, sent to Count de Sartiges, but the communication also, through which Your Excellency was pleased to acquaint me with that answer.

I improve the opportunity to renew to Your Excellency [etc.].

*William Trousdale, United States Minister to Brazil, to William L. Marcy, Secretary of State of the United States*<sup>3</sup>

[EXTRACT]

No. 63

RIO DE JANEIRO, September 25, 1856.

SIR: . . . An Act has been passed this Session, for the benefit of the Amazon Navigation Company, which will prolong its existence for a short time, and will delay the opening of that river to general navigation. This Act authorises the Government, either to pay the Company a certain sum of money, or to exonerate it from colonizing the country, as stipulated by

<sup>1</sup> Notes from Brazil, vol. 3.

<sup>2</sup> The appropriate volume of Notes to Brazil contains no note of August 12, 1856; but there is an entry of August 13 which states that on this date there was communicated to the Brazilian minister, a copy of the note to Count de Sartiges, here referred to. Regarding that reply, see vol. 1, pt. 1, the instructions of July 14 and August 29, 1856, to Minister Peden, in Argentina.

<sup>3</sup> Despatches, Brazil, vol. 23.

the charter. If this relief had not been given, it is probable the charter would have been surrendered with but little delay. . . .

I am, Sir [etc.].

## 703

*William Trousdale, United States Minister to Brazil, to José Maria da Silva Paranhos, Minister of Foreign Affairs of Brazil*<sup>1</sup>

D 65

RIO DE JANEIRO, October 3, 1856.

The undersigned, Envoy Extraordinary and Minister Plenipotentiary of the United States, has the honor to inform His Excellency, José Maria da Silva Paranhos, of the Council of H. M. the Emperor, Minister and Secretary of State for Foreign Affairs, that he has been instructed by the Government of the United States, to present to the Government of Brazil, the view it has taken in relation to the "Declaration" of the Plenipotentiaries at the Congress of Paris, of the 16<sup>th</sup> of April 1856.

The Diplomatic representatives of several of the European powers which were parties to the late Paris Conference have very recently presented to the Government of the United States "the declaration relative to neutral rights:" adopted at that Conference, and on behalf of their Governments, asked the adhesion of the United States to it. It is presumed that the same course has been adopted by the confederated powers towards other nations. The United States have learned with sincere regret that in one or two instances the four propositions with all the conditions annexed have been promptly and the United States cannot but think unadvisedly accepted without reservation or qualification.

It is well known that the United States about two years since opened negotiations with maritime nations for the general adoption of the second and third propositions contained in the Paris declaration and that the fourth is but the annunciation of a principle of international law now universally recognized.

These principles are as follows:

"2<sup>nd</sup> The neutral flag covers the enemies goods, except such as are contraband of war.

"3<sup>rd</sup> Neutral goods, with the exception of contraband of war shall not be subject to capture under an enemies [*sic*] flag."

"4<sup>th</sup> Blockades, to be obligatory must be effective that is, they must be maintained by a force sufficient to really prevent access to the enemies coast."

"The other proposition is in these words: 1<sup>st</sup> Privateering is and remains abolished."

<sup>1</sup> Despatches, Brazil, vol. 23, enclosed with Trousdale to the Secretary of State, below, this part, doc. 704.

The conditions which are to accompany the acceptance of the propositions of the Paris Conference will as a necessary consequence defeat the negotiations of the United States for the adoption of the 2<sup>nd</sup> and 3<sup>rd</sup> of the series with every power which has adhered or may determine to adhere to the "Declaration."

In the first place all the four propositions must be taken, or none, and in the second they must be taken not only individually, but with the surrender of an important attribute of sovereignty, that of negotiating with any nation on the subject of neutral rights—unless such negotiation embrace all the propositions contained in the Paris "Declaration." Any nation might well hesitate before making such a surrender. Some of the powers which are parties to that "Declaration" and many which are invited to concur in it, are under solemn Treaty stipulations with the United States, and it is presumed they are with other nations in which the right to resort to privateers is not only recognized, but the manner of employing them is regulated with great particularity. How these powers can reconcile the proposed new engagements with the faithful observance of existing Treaty stipulations on the subject cannot be easily perceived.

The undersigned will not in this Note exhibit the views which his Government entertains of the fatal consequences, likely to result from the new doctrine now attempted to be introduced into the maritime code, to most commercial nations and especially to those which are not burdened or may not choose to burden themselves with large naval establishments.

The right of a commercial state, when unhappily involved in war, to employ its mercantile marine for defence and aggression has heretofore proved to be an essential aid in checking the domination of a belligerent possessed of a powerful navy. By the surrender of that uncontested right, one legitimate mode of defence is parted with for a like surrender only in form by a strong naval power, but in effect the mutual surrender places the weaker nation more completely at the mercy of the stronger. While the former loses the latter gains by the mutual surrender, and the freedom of the seas is much more completely given up to a few great powers, which have the means and the disposition to maintain large navies.

Let us look more fully into the operation of the first principle of the Paris—"Declaration"—that of the abandonment of the right to issue letters of marque. This measure, unless it gives a full application of the principle upon which it is based, and is made to withdraw private property upon the Ocean from seizure by public armed vessels, as well as by privateers, will be exceedingly injurious to the commerce of all nations which do not occupy the first rank among naval powers.

The undersigned presents this general view which is entertained by his Government in the hope that it may induce the Government of Brazil to hesitate in acceding to a proposition which is conceived to be fraught with



injurious consequences to all but those powers which already have or are willing to furnish themselves with powerful navies.

The undersigned avails himself of this occasion [etc.].

## 704

*William Trousdale, United States Minister to Brazil, to William L. Marcy, Secretary of State of the United States*<sup>1</sup>

## [EXTRACTS]

No. 65

RIO DE JANEIRO, October 13, 1856.

SIR: I have the honor to acknowledge the receipt of Despatches Nos 28<sup>2</sup> and 29 from the Department of State. . . .

You will also find a copy of my Note to the Secretary of State for Foreign Affairs presenting to the Government of Brazil, the view taken by the Government of the United States, in relation to the "Declaration" of the Plenipotentiaries at the Congress of Paris, of the 16<sup>th</sup> of April 1856. (D<sup>65</sup>).<sup>3</sup> . . .

I am, Sir [etc.].

## 705

*Memorandum of an interview between William Trousdale, United States Minister to Brazil, and José Maria da Silva Paranhos, Minister of Foreign Affairs of Brazil, at Rio de Janeiro, October 20, 1856*<sup>4</sup>

## [EXTRACTS]

At an interview on the 20<sup>th</sup> October 1856, with José Maria da Silva Paranhos, Minister of Foreign Affairs of Brazil, Mr. Trousdale enquired whether he had bestowed his attention on the views lately presented to the Brazilian Government, in a Note from the United States Legation, relative to the "Declaration" of the Plenipotentiaries at Paris respecting neutral rights.<sup>5</sup>

Mr. Paranhos replied that he had examined with care and considerable interest the Note referred to, as well as the answer of Mr. Marcy to the Comte de Sartiges, upon the same question, and had been deeply impressed, both with the consummate ability and the comprehensive manner in which the subject had been discussed in those documents. The question was one

<sup>1</sup> Despatches, Brazil, vol. 23.

<sup>2</sup> Dated July 14, 1856, same as the instruction of the same date to Minister Peden, in Argentina, vol. I, pt. I. The instruction No. 29 was not within the scope of this publication.

<sup>3</sup> For this note to the Foreign Minister, see above, this part, doc. 703.

<sup>4</sup> Despatches, Brazil, vol. 23, enclosed with Trousdale to the Secretary of State, below, this part, doc. 706.

<sup>5</sup> The omitted portions relate to pending claims of United States nationals against Brazil.

that was considered of great importance by the Brazilian Government, and the two papers had been referred for examination to a "Section" of the Council of State. It would be difficult for him to say, until that Section made a report what course would be adopted by his Government; as for himself, he was curious to know whether the French and English would venture to controvert the arguments advanced by Mr. Marcy, for he considered them unanswerable. There was no doubt that the views of the American Government would meet with considerable opposition, inasmuch as a majority of the European powers and several of those of the American Continent (such as Montevideo and the Argentine Confederation) had already declared their intention to adhere to the Declaration of the Paris Plenipotentiaries. The obligation expressed in that Declaration, of accepting all its Articles or none, would certainly operate as a powerful inducement for many States to accede to it, lest, by failing to do so, they be deprived of the advantages, respecting neutrals, contained in its 2<sup>nd</sup> and 3<sup>rd</sup> Articles. . . .

Mr. Trousdale also enquired what progress, if any had been made towards the adoption of a project for a Treaty, submitted by him to the Imperial Government. On a close examination of the provisions of the proposed Treaty, nothing could be found in them derogatory of the sovereign rights of Brazil over the Amazon; all the United States desired was to pass through that river to the Republics beyond, and leave Brazilians to carry on traffic and transport passengers along the banks of the stream belonging to them. For this the United States offered to Brazil a compensation which no other nation would be inclined to grant, and really greater than the concession was worth.

Mr. Paranhos replied that the Imperial Government still continued to adhere to its policy of making no Treaties except with the small adjacent powers of the American Continent. Nor was it at all likely that Brazil would open the Amazon until her complicated boundary questions with New—Granada, Venezuela, and England and France had been brought to a satisfactory termination. Those powers all had exaggerated pretensions to territory, which Brazil, by negotiations, was endeavoring to defeat, and if, pending these negotiations, the Amazon, on which most of the disputed territory was situated, were suddenly opened it might be the cause of serious embarrassment, besides opening the way for adventurers of every class and every country. The two provinces on the banks of the Amazon were in a somewhat unsettled condition, and if not provided with a sufficient police force, they would become by the opening of the river a constant source of uneasiness to the Imperial Government. Brazil was now actively engaged in colonizing the great Amazon Valley and thus creating a market for the exchange of produce; if opened now it would hardly be a profitable field for commercial adventure, from the almost total absence of producers and consumers, Mr. Paranhos assured Mr. Trousdale that with no power on

the face of the earth would Brazil sooner enter into Treaty stipulations than with the United States, and it would have been particularly agreeable to him to have negotiated with Mr. Trousdale; but it was very questionable whether Brazil could conclude a Treaty with the United States alone without incurring the jealousy and exciting the hatred of European powers, for the equivalent the United States offered of not imposing any import duty on Brazilian Coffee, might at any time be offered by other powers. France and England had lately been manifesting a desire to claim large portions of Brazilian territory to the North of the Amazon and thus obtain a right to navigate that stream; these claims had been met by the Visconde do Uruguay, sent on an Extraordinary Mission to Paris for that purpose; but until the negotiations with those powers and with Venezuela and New—Granada were terminated, Brazil could not be expected to enter into Treaty stipulations with or open the Amazon to any other foreign power.

Mr. Trousdale adverted to the seeming inconsistency of the Brazilian Government in using all its efforts to secure the opening of the river Plate, while it obstinately adhered to its policy of keeping the Amazon, possessing superior natural advantages, closed to the commerce of the world.

Mr. Paranhos replied that the interests of Brazil on the River Plate and on the Amazon were altogether of a different nature, inasmuch as she possessed a rich province on the head-waters of the former river, for whose produce she desired to secure a passage to the sea.

Mr. Trousdale stated that it would be impossible for Brazil, a progressive and enlightened nation, with a great future before it, to persevere in a line of policy so directly at variance with that of other civilized nations of the globe. He believed, if any young and rising statesman desired to secure immortality there was certainly no more effectual means of obtaining it than by boldly advocating a change in the present foreign policy of the Brazilian Government.

The Minister replied that the numerous internal improvements and reforms now being introduced into the country would hardly fail to produce more liberal views, among the members of the Government, towards foreign powers. He would repeat what he asserted on a former occasion to Mr. Trousdale that the Imperial Government had never ceased to contemplate the opening of the Amazon to the commerce of the world as a great and progressive measure; the only object in delaying its execution was to secure the sovereign rights of the Empire by settling all conflicting boundary claims and establishing a sufficient military force along its banks.

## 706

*William Trousdale, United States Minister to Brazil, to William L. Marcy, Secretary of State of the United States*<sup>1</sup>

[EXTRACT]

No. 66

RIO DE JANEIRO, *October 24, 1856.*

SIR: I have the honor to state that on the 20<sup>th</sup> inst. I had an interview with the Secretary of State for Foreign Affairs of the Brazilian Government.

In this interview several matters of interest to the Governments of the United States and Brazil were discussed.

I am now convinced that no Treaty can be made with this Government for the present, and that the Amazon is yet to be closed for a long time, unless our Government adopts some measure to hasten that period, when it shall be opened to general commerce.

I enclose herewith a brief statement of the interview held on the 20<sup>th</sup> from which you will learn the present views of the Government of Brazil upon the questions now depending between it and the Government of the United States, marked A<sup>66</sup> 2 . . .

I am, [etc.].

## 707

*William Trousdale, United States Minister to Brazil, to José Maria da Silva Paranhos, Minister of Foreign Affairs of Brazil*<sup>3</sup>

A<sup>67</sup>

RIO DE JANEIRO, *November 5, 1856.*

The undersigned, Envoy Extraordinary and Minister Plenipotentiary of the United States has the honor herewith to forward to His Excellency, José Maria da Silva Paranhos of the Council of H. M. the Emperor, Minister and Secretary of State for Foreign Affairs, a copy of a Note from Mr. Marcy, Secretary of State of the United States to the Count de Sartiges, Envoy Extraordinary and Minister Plenipotentiary of France, at Washington, of the 28<sup>th</sup> July 1856.

Some of the powers which were represented in the late Congress of Plenipotentiaries at Paris have presented to the Government of the United States, for its concurrence therein the principles and propositions respecting neutral rights, contained in Protocols Nos 23 and 24.

Pursuant to the direction of the President, the Secretary of State in the Note above-mentioned has replied to that application on the part of France.

The views of the President on the subject are presented in that Note. He cannot agree to the first principle in the "Declaration" contained in

<sup>1</sup> Despatches, Brazil, vol. 23.

<sup>2</sup> For the memorandum of the interview of October 20, see above, this part, doc. 705.

<sup>3</sup> Despatches, Brazil, vol. 23, enclosed with Trousdale to the Secretary of State, No. 67, below, this part, doc. 708.

Protocol N° 23 which proposes to abolish privateering, nor to the proposition in Protocol N° 24 which declares the indivisibility of the four principles of the "Declaration" and surrenders the liberty to negotiate in regard to neutral rights, except on inadmissible conditions. It cannot have been the object of the Governments represented in the Congress at Paris to obstruct the adoption of principles which all approve and all are willing to observe, unless they are encumbered by an unrelated principle to which some Governments cannot accede without a more extended application of it than that which is proposed by the Paris Conference.

The undersigned is instructed by the President to propose to the Government of Brazil to enter into an arrangement for its adherence with the United States to the four principles of the Declaration of the Congress, *provided* the first of them is amended, as specified in the Note of Mr. Marcy of the 28<sup>th</sup> July 1856, to the Count de Sartiges. Without such amendment, the President is constrained for many weighty reasons, some of which are stated in that Note, to decline acceding to the first principle of the "Declaration." The President, however, will readily give his assent to the remaining three principles. He entertains the hope that the powers represented in the Congress at Paris will take early measures to release each other from the restrictions imposed by Protocol N° 24.

He is much encouraged in this hope by the recollection that France, as well as Russia and Prussia has heretofore favored liberal doctrines in regard to neutral rights and the freedom of the seas.

The solicitude of the President to maintain the most friendly relations with the Government of Brazil makes it also important for him to know what will be the treatment of American privateers upon the high seas and in Brazilian ports, in case the United States should unhappily be at war with any other power which has acceded to the "Declaration."

It is not reasonable to suppose, or expect that the United States will ever forego a resort to privateers in case they become involved in war with a commercial state. If such war should happen with a nation which has acceded to the "Declaration" proposed by the Congress at Paris, will the neutral nations which may also have acceded to it treat our privateers in any respect differently from the manner in which they have been heretofore treated by them? Will the privateers of the powers which do not become parties to the Declaration receive the same immunities in all neutral ports which have been heretofore accorded to such privateers?

To prevent future misunderstanding, it is important that on these points the Government of the United States should be furnished with the views of the Governments which have agreed to that "Declaration" or may accede to it. The undersigned is therefore instructed by the President to make these inquiries of the Government of Brazil.

Though the President does not seriously apprehend that the rights of

the United States in regard to the employment of privateers will be affected directly or indirectly by the new state of things which may arise out of the proceedings of the Congress at Paris, yet it would be gratifying to him to be assured by the Government of Brazil that no new complications in our relations with it are likely to spring from those proceedings.

He trusts that, so long as Brazil is, and he anxiously desires she should ever be, a friendly power her ports will be, as they heretofore have been, a refuge from the dangers of the sea and from attack, as well for our privateers as for our merchant vessels and national ships of war in the event of hostilities between any other power and the United States.

The undersigned avails himself of this occasion [etc.].

## 708

*William Trousdale, United States Minister to Brazil, to William L. Marcy, Secretary of State of the United States*<sup>1</sup>

[EXTRACT]

No. 67

RIO DE JANEIRO, November 13, 1856.

SIR: I have the honor to acknowledge the receipt of Despatch N° 30 of the 29<sup>th</sup> August 1856,<sup>2</sup> together with two copies of your Note to the Count de Sartiges of the 28<sup>th</sup> July 1856.

On the 5<sup>th</sup> inst. I addressed a Note to the Brazilian Minister of Foreign Affairs, enclosing also a copy of your Note to the Count de Sartiges, proposing to the Government of Brazil to enter into an arrangement for its adherence with the United States to the four principles of the Declaration of the Congress, *provided* the first of them is extended as proposed in the said Note of the 28<sup>th</sup> July 1856;—Also asking what will be the treatment of American privateers upon the high seas and in Brazilian ports, in case the United States shall be at war with any other power which has acceded to the Declaration; Also, in case of such a war, will the neutral nations which may have acceded to it, treat our privateers in any respect differently from the manner in which they have been heretofore treated by them? Will the privateers of the powers which do not become parties to the Declaration receive the same immunities in all neutral ports which have been heretofore accorded to such privateers? A copy is herewith enclosed marked A<sup>67</sup> <sup>3</sup>. . .

I also enclose a copy of a Note from the Secretary of Foreign Affairs

<sup>1</sup> Despatches, Brazil, vol. 23.

<sup>2</sup> In the appropriate volume of Instructions to Brazil, vol. 15, there is no instruction of August 29, 1856. Neither is there a No. 30 of any date. No. 29 of August 19 is followed immediately by No. 31 of October 11. Probably No. 30 of August 29 was a duplicate of No. 24, of that date, to Minister Peden in Argentina, vol. 1, pt. 1, on the same subject.

<sup>3</sup> Above, this part, doc. 708.

of this Government acknowledging the receipt of my Note of the 5<sup>th</sup> inst. and promising an answer to the same when it shall have been duly considered by the Brazilian authorities, marked G<sup>67</sup>.<sup>1</sup>

The Germantown is now in this port.

I am, Sir, [etc.].

## 709

*Memorandum of an interview between William Trousdale, United States Minister to Brazil, and José Maria da Silva Paranhos, Minister of Foreign Affairs of Brazil, at Rio de Janeiro, January 19, 1857<sup>2</sup>*

[EXTRACT]

A<sup>71</sup>

At an interview with Mr. Paranhos, Brazilian Minister of Foreign Affairs, on the 19<sup>th</sup> January 1857, Mr. Trousdale stated that he had addressed a Note to the Foreign Office, on the 3<sup>rd</sup> of October last,<sup>3</sup> containing the views respecting maritime law presented recently by the United States Government on the occasion of the "Declaration" of the Plenipotentiaries at Paris and that he had subsequently urged the adhesion of the Imperial Government to the proposition as contained in Mr. Marcy's Note to the Count de Sartiges of July 28. 1856. The Paris Conferences were apparently on the point of being resumed, on which occasion those principles would be discussed anew, and the United States were naturally anxious to obtain, at an early period, answers from the different Governments to whom their views had been submitted. Mr. Trousdale would therefore like to be informed at what time he might expect a reply from the Imperial Government upon the subject.

Mr. Paranhos answered, that, as he had previously informed Mr. Trousdale, the whole matter had been referred to a Section of the Brazilian Council of State and a Report had accordingly been made, but had not been considered sufficiently comprehensive, or satisfactory in other respects. Both the Declaration of the Paris Plenipotentiaries and the proposition of the American Government were now undergoing a second and more thorough examination by the Council of State, and an answer would be sent to the United States Legation before the opening or during the session of the Paris Conferences. Mr. Paranhos then enquired whether the Governments of France or England had as yet acceded to that proposition of the United States.

Mr. Trousdale answered that he was not authorised to make any positive statement upon the subject; he could only refer Mr. Paranhos to the

<sup>1</sup> Not included in this publication since it was little more than a mere acknowledgment, and its only important purport is indicated in this despatch.

<sup>2</sup> Despatches, Brazil, vol. 24, enclosed with Trousdale to the Secretary of State, below, this part, doc. 710.

<sup>3</sup> Above, this part, doc. 703.

President's Message published at length in the Brazilian papers, from which it appeared that Russia had positively acceded to the American proposal; that there was every probability that England and France would follow the example, and that not a single maritime power had, as yet, given an unfavorable answer.

On Mr. Trousdale inquiring whether the views of the present Brazilian Administration, with regard to Opening the Amazon, and entering into Treaty stipulations with Foreign powers had been in any degree modified, Mr. Paranhos replied, that it had not been, but he stated, confidentially that at the meeting of the new Legislative Assembly in May next, a new Cabinet would be organized which might be more favorably inclined to adopt the propositions of the United States. Mr. Paranhos said he had been unwilling to give a definitive answer to Mr. Trousdale's repeated written and verbal communications upon the subject of a Treaty, as it would have been an unfavorable one, and might besides have prevented a new Cabinet, entertaining more favorable views, from considering the proposals of the American Government.

Mr. Paranhos replied to Mr. Trousdale's question as to what progress had been made in colonizing the Amazon by stating, that the Baron de Mauá; the President of the Company formed for that purpose, had been lately induced, by the difficulties he had encountered, and the sacrifices he had made to ask for an increase of the *bonus* formerly allowed him, and there was but little doubt of its being granted with the view of encouraging an enterprize in which the Imperial Government was so deeply interested.<sup>1</sup> . . .

## 710

*William Trousdale, United States Minister to Brazil, to William L. Marcy, Secretary of State of the United States*<sup>2</sup>

[EXTRACT]

No. 71

RIO DE JANEIRO, *January 27, 1857.*

SIR: I have the honor to enclose herewith a statement of a conference with the Brazilian Secretary of State for Foreign Affairs (marked A<sup>71</sup>) which occurred on the 19<sup>th</sup> inst.<sup>3</sup> From a perusal of it you will see that no answer has been given to the proposition relating to maritime rights, submitted to the Brazilian Government on the 3<sup>rd</sup> of October last;<sup>4</sup> and that all other matters depending between Brazil and the United States remain in *statu quo*.<sup>5</sup> . . .

I am, Sir, [etc.]

<sup>1</sup> The omitted portion tells of discussions of pending claims.

<sup>2</sup> Despatches, Brazil, vol. 24. <sup>3</sup> Above, this part, doc. 709. <sup>4</sup> See above, this part, doc. 703.

<sup>5</sup> The omitted portion told of demands for redress by the Brazilian government of injuries suffered by United States vessels.



*William Trousdale, United States Minister to Brazil, to Lewis Cass, Secretary of State of the United States*<sup>1</sup>

[EXTRACT]

No. 76

RIO DE JANEIRO, *March 26, 1857.*

SIR: I have the honor to state, that I addressed a note to the Imperial Government of Brazil, on the 3<sup>d</sup> October 1856,<sup>2</sup> the object of which was to present the view taken by the Government of the United States, of the Declaration of the Plenipotentiaries at the Congress of Paris, of the 16<sup>th</sup> April 1856.

Again, on the 5<sup>th</sup> November last,<sup>3</sup> I addressed the Imperial Government on the same subject, and forwarded with my note, a copy of a note from Mr. Marcy to the Count de Sartiges, Envoy Extraordinary and Minister Plenipotentiary of France, at Washington, of the 28<sup>th</sup> July 1856.

This note of the 5<sup>th</sup> November contained some of the reasons assigned by President Pierce, for rejecting the proposition to adhere to the Paris Declaration, of the Plenipotentiaries, of the 16<sup>th</sup> April 1856. It also contained a distinct proposition to the Government of Brazil, to enter into an arrangement for its adherence with the United States to the four principles of the Declaration of the Congress, *provided* the first of them is amended, as specified in the note of Mr. Marcy of the 28<sup>th</sup> July 1856, to the Count de Sartiges. It likewise contained direct inquiry as to what will be the treatment of American privateers upon the high seas, and in Brazilian ports, in case the United States shall unhappily be at war with any other power which has acceded to the Declaration.

I have the honor, herewith to enclose, copies of notes from the Imperial Government to this Legation, as an answer to the note of the 3<sup>d</sup> October 1856; but which is in reality a partial answer to both notes. The copies are marked A<sup>76</sup> and B<sup>76</sup>.<sup>4</sup> It will appear from a perusal of these copies, that the Imperial Government, intends at a convenient time to give its entire adhesion to the maxims proclaimed by the Congress of Paris, relative to the adoption of the new principles of maritime rights.

Likewise you will see, that the Imperial Government of Brazil, in giving its adhesion to those principles, declared that it was disposed to accept the amplification proposed by the Government of the United States, as a necessary and salutary complement of the new international policy.

<sup>1</sup> Despatches, Brazil, vol. 24.

<sup>2</sup> Above, this part, doc. 703.

<sup>3</sup> Above, this part, doc. 707.

<sup>4</sup> Neither of these documents has been transcribed, nor translated, since the first is adequately reviewed in this, and the next paragraph of the despatch, and the second is a copy of the Brazilian Government's response to the invitation from the signatory powers to adhere to the Declarations of Paris, which is also adequately reviewed in the same paragraphs, except that the text of the Declarations is embodied in the response, and the language is much more diffuse.

Herewith is enclosed a copy of a note from the Secretary of Foreign Affairs, of the 20<sup>th</sup> March 1857. marked C<sup>76</sup> <sup>1</sup>

I am, Sir, [etc.].

## 712

*Richard K. Meade, United States Minister to Brazil, to Lewis Cass, Secretary of State of the United States* <sup>2</sup>

[EXTRACTS]

No. 2

RIO DE JANEIRO, *January 15, 1858.*

SIR: . . . The settled policy of this Government is to make no treaties with superior powers. If I should be able to break in upon it, it must be accomplished through public sentiment. My speech to the Emperor had for its object in part to wake up the community on the subject of an American policy, and of a more intimate connexion with the United States. It fell with effect upon the public and has drawn out a short newspaper discussion. This people could be soon brought to look upon the United States as their best friend, were not the sympathies of the Executive branch of the Government pointing naturally to the legitimists of Europe. . . .

. . . It may be sometime before I broach the subject of the free navigation of the Amazon. The Government is exceedingly sensitive on that subject, and our threats, official and otherwise have produced a prejudice against us in the community. It is sufficient for the present that we have entered our claim to the right under the law of nations, of navigating that river, and have declared our determination of enforcing it, whenever our relations with the people residing on its head waters, shall make it our interests to do so. If it be desirable to precipitate the question, we can do it by a treaty with Peru or Equador giving us the free navigation of the upper waters of the Amazon, to some port of entry to be established by them. But the entire valley is yet a wilderness, and will remain so, until the African race in Brazil has subdued it. The white man never will: and a quarter of a century will pass away before the slave labor of Brazil, will be directed to the Amazon. . . .

I have the honor [etc.].

<sup>1</sup> It acknowledged the receipt of a note from Trousdale, announcing the resignation of the secretary of legation, and the temporary appointment of a son of Trousdale to that position.

<sup>2</sup> Despatches, Brazil, vol. 25.

The omitted portions relate chiefly to claims and to commercial matters.

## 713

*Richard K. Meade, United States Minister to Brazil, to Lewis Cass, Secretary of State of the United States*<sup>1</sup>

[EXTRACT]

No. 3

RIO DE JANEIRO, March 13, 1858.

SIR: . . . We received intelligence this morning of the conclusion of a treaty between this Government and Paraguay, which opens the river of that name to the vessels of all nations. I will procure a copy of this treaty, and forward it by the earliest opportunity.

Montevideo has subdued her rebellious people, and visited them with a retribution of almost Roman barbarity. The Chiefs, twenty seven in number, were put to death, and the men decimated. All concur here in denouncing the cruelty, including the Emperor and his Government, allies of Montevideo. . . .

I have the honor [etc.].

## 714

*Richard K. Meade, United States Minister to Brazil, to Lewis Cass, Secretary of State of the United States*<sup>2</sup>

No. 8

RIO DE JANEIRO, November 6, 1858.

SIR: Since my Dispatch N<sup>o</sup> 7, I have received yours, N<sup>os</sup> 8 & 9,<sup>3</sup> with enclosures, by M<sup>r</sup> Yancey, our Minister to the Argentine Confederation, who arrived here on the 21<sup>st</sup> Ultimo.

M<sup>r</sup> Yancey, has had an interview with the Emperor, and was accompanied by his family and myself. I embraced the occasion to represent to the Emperor, the feelings of our Government in respect to Paraguay, as expressed in your last Despatch. Some entertain the opinion that the sympathies of Brazil are not with us in the controversy with Paraguay. No demonstrations of the sort have come under my observation. In a conversation with one of the Ministers of State I said, the President desired me to make known to the Government of Brazil, and the representatives of other nations, his desire to settle the Paraguay difficulty without resort to force, which would only be employed in case his efforts at a peaceful adjustment should fail. He replied by asking if our Commissioner would be accompanied by a naval force, and stating that they had sent a naval force in the La Plata when their recent negotiations with Paraguay which had terminated favorably, were going on.

<sup>1</sup> Despatches, Brazil, vol. 25.

The remainder of the despatch is devoted to routine matters.

<sup>2</sup> Despatches, Brazil, vol. 25.

<sup>3</sup> For instruction No. 9, see above, pt. III, doc. 495. Despatch No. 7 and instruction No. 8 are not within the scope of this publication.

M<sup>r</sup> Yancey and myself waited on M<sup>r</sup> Peña, the Minister of the Argentine Confederation, and stated to him the views of our Government as to Paraguay, and its extreme desire to settle all difficulties amicably.

In a recent visit I paid to M<sup>r</sup> Peña on his first arrival, I expressed the hope that the North and South American States would cultivate each other's sympathies, and amicable relations, and in fact get up on the two American Continents an American feeling. He felt as I did on that subject. Some weeks after, he came to see me a Second time and said he was instructed by his Government to present their compliments to the American Minister and to express to him their cordial concurrence with his views.

Shortly after the arrival of the British mail Steamer on the 3<sup>d</sup> instant, M<sup>r</sup> Stuart, the British Chargé d'Affaires visited (not for the first time) the Frigate "St. Lawrence", and during the interview with Commodore Forrest, stated that several gun-boats had been built in England for President Lopez, and were on their way to (or were about to start for) Paraguay. This visit was not due as a matter of courtesy to Commodore Forrest, and I suspect that it had a political object. The English mail had arrived and he might have been acting in pursuance of instructions from his Government, which would be naturally anxious to know, from some remark that might casually fall from the Commodore, in what light he would view the matter and what would be his action. The British Government knows that Congress alone has the power to declare war for the United States, that the President is preparing to attack Paraguay under the late resolution of Congress, which of course must be a declaration by Congress. In that view of the subject, has Great Britain or her subjects the right to send vessels of war with guns to Paraguay evidently with a view to the present emergency? These vessels should not be permitted to go up the river La Plata, before the United States Commissioner has concluded his negotiations. It would render the peaceful object of his mission much more difficult of attainment, as all agree that Lopez's fears alone will bring him to reason. He will adopt any policy that he thinks will contribute to the future stability of his power, which now, to say the least, is not so firmly fixed as he could desire. A little brush with the United States in which he might hope to suffer no dishonor, and which he could at any time put a stop to by treaty, might be the means of advancing his popularity, and impressing his people with his spirit and prowess. The possession of these vessels therefore might be a serious obstacle to a peaceful adjustment, and regarding the resolution of Congress as a declaration of war to be commenced with active hostilities at the discretion of the President, these vessels with their guns should be intercepted, either as contraband, or by posting the smaller vessels of the squadron above the city of Buenos Ayres near the mouth of the Paraná river, and virtually establishing a blockade of the ports of Paraguay, as to all things contraband of war.

These views I have expressed to Commodore Forrest. In pursuance of instructions from the Navy Department he will sail shortly for the river La Plata.

I have informally learnt that the gun boats, six or seven in number, which Brazil obtained from England for its Paraguay expedition may be bought. The Department may perhaps have occasion to avail itself of this information. It is anxiously hoped by our citizens here that the expedition will soon appear with a respectable land force.

Some unimportant notes have passed between the Foreign Office and myself since my last Despatch which I will send in my next.

With very high respect [etc.].

715

*Richard K. Meade, United States Minister to Brazil, to Lewis Cass, Secretary of State of the United States*<sup>1</sup>

[EXTRACT]

No. 9

RIO DE JANEIRO, *December 10, 1858.*

SIR: . . . The arrival of the mail from the La Plata a few days ago brought us news of the safe arrival of Commodore Forrest and his Squadron at Montevideo. Great excitement prevailed on the subject of our expedition against Paraguay. The papers teemed with unfriendly comments, warning all the nations on the La Plata and tributaries as to our supposed designs. The prevailing opinion is, that Lopez will treat with us.

M<sup>r</sup> Peña the Argentine Minister here, informed me on the 2<sup>d</sup> instant, that M<sup>r</sup> Yancey's arrival at Paraná was looked forward to with pleasure, and that General Urquiza's son and the Minister for Foreign Affairs of the Confederation would honor him with a ball upon his arrival. The appearance merely of our fleet in the La Plata will be of service to us in the future. . . .

I remain, with high regard [etc.].

716

*José Maria da Silva Paranhos, Minister of Foreign Affairs of Brazil, to Richard K. Meade, United States Minister to Brazil*<sup>2</sup>

H<sup>10</sup>

RIO DE JANEIRO, *December 27, 1858.*

The undersigned, of the Council of H. M. The Emperor, Minister and Secretary of State for Foreign Affairs, has the honor to address himself to Senhor R. Kidder Meade, Envoy Extraordinary and Minister Plenipoten-

<sup>1</sup> Despatches, Brazil, vol. 25.

<sup>2</sup> Despatches, Brazil, vol. 25, enclosed with Meade to the Secretary of State, below, this part, doc. 718.

tiary of the United States, for the purpose of informing him of the following communication.

The Imperial Government, wishing to contribute by such means as may be in its power to the friendly settlement of the misunderstanding which unfortunately exists between the United States and the Republic of Paraguay, both American Nations, and by such bonds attached to Brazil has made haste in filling the Imperial Legation at Asuncion, especially charging its Minister with the carrying out of those duties of friendship and of common interest.

Senhor Commander Joaquim Thomaz de Amaral, Chief of the Imperial Legation at Montevideo, has been accredited as the Brazilian Minister near the Republic of Paraguay, and the qualities which distinguish him assure H. M's. Government that the mediation of Brazil, in case it is accepted, will be performed in a manner most efficacious and satisfactory to both of the parties to the dispute.

The Imperial Government hopes that the Government of the United States will perceive in these its friendly dispositions one more proof of the interest which it takes in the peace of the American Continent, and of the sincerity of the sentiments that have been shown more than once to the two nations between which the misunderstanding to which the undersigned refers has arisen.

The undersigned takes this occasion [etc.]

## 717

*Richard K. Meade, United States Minister to Brazil, to José Maria da Silva Paranhos, Minister of Foreign Affairs of Brazil*<sup>1</sup>

[<sup>10</sup>

RIO DE JANEIRO, December 29, 1858.

The undersigned Envoy &c. of the United States of America had the honor of receiving on yesterday the note of the 27<sup>th</sup> instant,<sup>2</sup> of His Excellency, Sn<sup>r</sup> Jose Maria da Silva Paranhos, of the Council of His Majesty the Emperor, Minister and Secretary of State for Foreign Affairs, in which the undersigned is pleased to see another proof of the desire of the Imperial Government to contribute all in its power to preserve a good state of relations among the nations of the two Americas:—a fact which will be highly appreciated by the Government of the United States, whose present hostile attitude towards Paraguay, is much against its inclination, and assumed only in vindication of its national honor.

There is nothing which the United States desire more than the prosperity

<sup>1</sup> Despatches, Brazil, vol. 25, enclosed with Meade to the Secretary of State, below, this part, doc. 718.

<sup>2</sup> Above, this part, doc. 716.

of the South American nations and a permanent friendship with them:—A state of things not only conducive to their interest, but also grateful to the strong American feeling with which they are inspired.

In pursuance of instructions from his Government, the undersigned has more than once verbally assured His Majesty the Emperor and his Ministers, that the Government of the United States will, before it resorts to force, use every peaceful means of adjusting its difficulties with the Republic of Paraguay, and the undersigned is happy to learn that the Imperial Government is disposed to assist in producing that desirable result.

A copy of His Excellency's note shall be transmitted to the United States Commissioner to Paraguay, that he may not be ignorant of the readiness of the Imperial Government, to lend its aid in accomplishing the peaceful purposes of his mission.

Trusting sincerely that the benevolent wishes of the Imperial Government may be responded to by the event, the undersigned embraces this occasion to assure His Excellency of his high regard and distinguished consideration.

## 718

*Richard K. Meade, United States Minister to Brazil, to Lewis Cass, Secretary of State of the United States*<sup>1</sup>

[EXTRACT]

No. 10

RIO DE JANEIRO, January 6, 1859.

SIR: The documents herewith sent contain nothing of interest with the exception of the note of the 27<sup>th</sup> December from the Foreign Office, marked H<sup>102</sup> I regard it as an offer on the part of this Government to mediate between the United States and Paraguay—My reply to that Note, marked I<sup>103</sup> conformed in spirit I hope with the instructions I received from you in your Despatch N<sup>o</sup> 9.<sup>4</sup>

It is evident that some uneasiness is felt by the Governments of Brazil, Uruguay, and the Argentine Confederation, in connection with our expedition against Paraguay. The papers are filled with foolish surmises about our future designs—I hear of frequent conferences, between the Secretary of Foreign Affairs, and the Uruguay and Argentine Ministers.

You will see by the reply of the Secretary for Foreign Affairs to my application on behalf of M<sup>r</sup> Forbes for permission to ascend the waters of Brazil flowing into the La Plata,<sup>5</sup> that while this Government was unwilling

<sup>1</sup> Despatches, Brazil, vol. 25.

<sup>2</sup> Above, this part, doc. 716.

<sup>3</sup> Above, this part, doc. 717.

<sup>4</sup> Above, pt. III, doc. 495.

<sup>5</sup> Copies of these two notes are with the file copy of the despatch; but they have not been transcribed for this publication since Minister Meade was going for a pleasure trip, chiefly, and, incidentally, to make scientific observations. The only importance attaching to them is adequately explained in the despatch.

to refuse, yet there is a manifest reluctance, growing out of the present attitude of our Government in respect to Paraguay. I deem it best to press the matter no further, until the Paraguay difficulty is over. . . .

I have the honor [etc.].

## 719

*Richard K. Meade, United States Minister to Brazil, to Lewis Cass, Secretary of State of the United States* <sup>1</sup>

[EXTRACT]

No. 11

RIO DE JANEIRO, *April 6, 1859.*

SIR: . . . Shortly after the arrival of M<sup>r</sup> Dillon Secretary of Legation, a day was appointed for his presentation at Court. On that occasion we had a long interview with the Emperor who contrary to his usual habit, was quite familiar and lively in his conversation. The President's Message on Cuba was freely discussed, the Emperor expressing the opinion that Spain would not sell.

He was evidently much gratified that our difficulty with Paraguay had been settled. I told him that my Government and people would have been much distressed had a gun been fired, for we wished to live upon friendly terms with all the American Nations. The interview with the Emperor was very cordial and very satisfactory. . . .

With sentiments of the highest esteem [etc.].

## 720

*Richard K. Meade, United States Minister to Brazil, to Lewis Cass, Secretary of State of the United States* <sup>2</sup>

[EXTRACT]

No. 17

RIO DE JANEIRO, *December 1, 1859.*

SIR: . . . You will perceive by the enclosed slips from the journals, that peace has been made between Buenos Ayres and the Argentine Confederation. The former consenting to return into the Confederacy. General Urquiza had marched with 14,000 men within a few miles of the City of Buenos Ayres and would have taken it, when the mediation of General

<sup>1</sup> Despatches, Brazil, vol. 25.

The omitted portion relates to claims and other matters not within the scope of this publication.

<sup>2</sup> Despatches, Brazil, vol. 26.

The omitted portions treat of routine matters. The newspaper clippings referred to are not with the file copy of the despatch.



Lopez through his son was accepted by both parties. That of England, France and Brazil had also been tendered and declined. It seems that Brazil is not in very good odour with the Confederation; its cause you will gather from the enclosed slips. It is said that Paranhos when Minister to the Argentine Confederation two years ago, had privately made some promises of aid from Brazil which were not fulfilled when he became Secretary for Foreign Affairs; though some few favours were allowed in the way of maritime armaments in her ports. Since the accession of the present Ministry however, the neutrality of Brazil has been very strict.

Uruguay has not yet ratified the Convention lately gotten up between the negotiators of Brazil, the Argentine Confederation and herself. She thinks there are some Articles that strike at her Independence. Such for instance as that which binds her not to take part in any future war that may take place between Brazil and her neighbours; and may be mentioned also, that which binds her never to become a Member of the Confederation. Brazil as the ruling Power of South America, would be naturally uneasy at the prospect of a powerful Southern Republic; while foreign nations especially our own, would be pleased to see the Powers of South America well balanced. Were the Spanish race as sharp as our own, a powerful South American Confederacy washed by two oceans would long before this have been disputing with Brazil the Empire of a Continent.

We shall in future have an immense interest in the commerce of the La Plata, and nothing would promote it more, than stable governments there, wisely administered. We should keep our eye fixed on that region of country and whenever it falls in the way, lend a fostering hand. And I would here suggest that an extreme watchfulness is maintained by England and France over the La Plata country which we would do well to imitate. . . .

I remain, Sir [etc.].

## 721

*Richard K. Meade, United States Minister to Brazil, to Lewis Cass, Secretary of State of the United States*<sup>1</sup>

[EXTRACT]

No. 19

RIO DE JANEIRO, May 7, 1860.

SIR: . . . Late news from the river Plata informs us that the Oriental Republic has wisely rejected the Treaty negotiated a year or two ago with Brazil and the Argentine Confederation; the main features of which were, a guarantee by the two last named Powers of the Independence of Uruguay and a Stipulation on the part of the latter, that she would not unite with any other state.

<sup>1</sup> Despatches, Brazil, vol. 26.

Misunderstandings between Buenos Ayres and the Argentine Confederation are growing more serious and apprehensions are felt that the Union may be broken off. Of all this our Minister there will no doubt give you more accurate information. . . .

I am, Sir [etc.].

## 722

*Richard K. Meade, United States Minister to Brazil, to Lewis Cass, Secretary of State of the United States*<sup>1</sup>

[EXTRACT]

No. 21

RIO DE JANEIRO, *October 6, 1860.*

SIR: . . . The feeling between this and the La Platte country is not of the most amiable character. It grows out of boundary questions and non ratification of Treaties. Nothing serious however will grow out of it.

The late Union between the Argentine Confederation and Buenos Ayres, promises to be harmonious. . . .

I remain [etc.].

<sup>1</sup> Despatches, Brazil, vol. 26.

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